APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

The Deregistration and Exchange of Common Land and Greens (Procedure) (England) Regulations 2007

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IN THE MATTER OF LAND AT THE SANDS, DURHAM

AND IN THE MATTER OF AN APPLICATION UNDER SECTION 16 COMMONS ACT 2006

Applicant's Statement of Case

Durham County Council

County Hall

Durham

DH1 5UL

Ref: NC/14195

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Applicant's Statement of Case

In the matter of Land at The Sands, Durham and in the matter of an Application under s16 Commons Act 2006

1 Introduction

1. The applicant, Durham County Council ("DCC"), applies as owner under section 16(1) of the Commons Act 2006 ("the 2006 Act") to the appropriate national authority for "the Release Land" (land presently registered as common land) to cease to be so registered.

2. DCC proposes that land specified in the application ("the Replacement Land") be registered as common land in place of the Release Land.

3. DCC has previously and comprehensively particularised its case in its application, its Supporting Statement with Appendices and its subsequent Responses with Appendices.

4. All the procedural requirements for the application under the 2006 Act and the Deregistration and Exchange of Common Land and Greens (Procedure)(England) Regulations 2007 have been complied with.

2 The Release Land

5. The Release Land is 1,675m² (0.17ha). It is 5.76% of an area of registered common land ("CL29") known as The Sands, which is 29,074m² (2.91ha).

6. DCC or its forerunners have been the freehold owner of The Sands since 20 December 1860, having previously held a leasehold interest from 12 December 1848.

7. An agreement dated 18 September 1850 recorded that the Wardens of the Trade Companies (effectively, the Freemen of the City of Durham) are entitled to a right of common on The Sands for all commonable cattle. The Freemen have not exercised this right of common in respect of

the Release Land since WWII at the latest. It is possible that they have not exercised it since 18 September 1850, or even earlier.

8. During WWII, the Release Land was used as an ordnance depot.

9. In or around 1960, a building was built on the Release Land. This building, and an adjacent car park, was used by the Royal Observer Corps from around 1960 onwards.

10. On 18 March 1968, the Clerk to the Freemen wrote to the Clerk of the Peace and of DCC. The letter recorded that the Freemen do not graze any animals on The Sands and that all that they claim is compensation for damage to the herbage when circuses or fairs are held on The Sands. The letter also recorded that this compensation had been paid without question since time immemorial. The event organisers pay this compensation, not DCC. No circus or fair has taken place on the Release Land since 18 March 1968, at the latest.

11. The effect of applications and proceedings under the Commons Registration Act 1965 was, amongst other things, to record the right of common of the Trustees and Wardens of the Freemen to graze 20 cows, 50 sheep, 10 goats and 10 horses over the whole of The Sands. The Trustees, Wardens and Freemen have never since exercised this right of common. *Pro rata*, the registered right of common equates to a right to graze 6 animals on the Release Land.

12. On 25 March 1982, the Trustees of the Freemen granted the Secretary of State for the Environment a lease of the Release Land for use by the Royal Observer Corps. This lease was surrendered on 28 February 1994.

13. On 18 January 1995, following earlier agreements in the 1980s, the Trustees and Wardens of the Freemen on the one hand and DCC's forerunner on the other hand entered into an agreement whereby the former granted to the latter a right to use the Release Land as a municipal car park until 7 September 2080 in return for a yearly sum. As part of this agreement, the Trustees and Wardens of the Freemen surrendered all their rights in the agreement of 18 September 1850 with

respect to the Release Land. Pursuant to this agreement, the Release Land was used as a municipal car park and subsequently as a coach park. The yearly sum has always been paid.

14. In 1997, the building erected in or around 1960 was demolished.

15. In February 2019, planning permission was granted for the relocation of the coach park and it was relocated.

16. On 1 April 2019, planning permission was granted for DCC's new HQ. The approved plans show the Release Land as a municipal car park[1] and the site of the water storagetank for the HQ's fire safety sprinkler system. The City of Durham Parish Council filed a judicial review claim challenging the grant of planning permission. It was dismissed. The planning merits of the new HQ are not in issue. The proposed municipal car park on the Release Land is consistent with the 18 January 1995 agreement.

17. Even leaving aside the 18 January 1995 agreement, there is no evidence that the Trustees, Wardens or Freemen have any intention of exercising a grazing right of common on the Release Land. Moreover, they could not practicably do so given that the Release Land is not grassed, there is no evidence of any intention to grass it or maintain it as grassed and (current temporary fencing aside) it is unenclosed and adjacent to a vehicular highway and the River Wear. There is, moreover, no evidence that the Trustees, Wardens or Freemen have any intention of exercising a grazing right of common on the balance of The Sands, which is principally set to grass but likewise unenclosed and adjacent to a vehicular highway and the River Wear.

18. Pursuant to section 193 of the Law of Property Act 1925, members of the public have a technical right of access to the Release Land for air and exercise (on foot or on horseback). There is very limited if any evidence before the inquiry that the public has invoked this technical right since

[1] Proposed to be open for public parking in the evening and at weekends.

WWII at the latest.[2] The 94.24% balance of The Sands is well-used by the public for air and exercise, on foot if not on horseback.

19. The Release Land currently has the appearance of a building site, as the planning permission for the new HQ building (with associated municipal car park and water storage tank) is being implemented. Occupation of the new HQ building is scheduled to commence in September 2022, whereupon demolition of the existing County Hall will commence with demolition completion scheduled for 2024. The existing County Hall site is a strategic employment site, likely to come forward from 2024.

3 The Replacement Land

20. The Replacement Land (known as Land East of Rivergreen Centre, Aykley Heads) is 18,371m² (1.84ha) and so more than ten times the size of the Release Land.

21. DCC owns the Replacement Land. It is land to which Part 1 of the 2006 Act applies. It is not registered common land, nor is it registered as a town or village green. There is presently no public right of access to it. There are no permissive footpaths or cycle routes over it. There is no public user of the Replacement Land other than in connection with a permitted, annual, cross country running event. There are no designations within the meaning of Section E22-24 of the application form.[3] The Replacement Land has no habitats or wildlife designations, protected species, UK Priority Species, protected trees or protected hedgerows.

22. The Replacement Land is an enclosed and gated area of semi-improved grassland, cut annually, with the appearance of an undulating meadow. It is readily capable of being grazed. There are no structures on it. It is Green Belt and an Area of High Landscape Value in the County Durham Plan, adopted 21 October 2020.

[2] The right might not have existed during WWII and the Royal Observer Corps period of occupation: see section 193(6) of the 1925 Act.
[3] The same goes for the Release Land.

23. There are permissive footpaths and a permissive cycle route around the perimeter of the Replacement Land. It is close to the wider network of permissive and public footpaths. It is extremely accessible on foot from The Sands and elsewhere, and by motor vehicle. The Replacement Land is approximately 0.79km to the north of the Release Land.

4 Statutory considerations

24. Section 16(6) of the 2006 Act specifies four matters to which the appropriate national authority shall have regard. This Statement of Case addresses these in turn.[4]

Interests of persons having rights in relation to, or occupying, the Release Land

25. The Trustees, Wardens or Freemen have an underlying grazing right of common in relation to the Release Land. They have not exercised that right for decades or more. On 18 January 1995, they surrendered until 7 September 2080 the grazing right of common recorded in the 18 September 1850 agreement. It is plain that they have no interest in or intention of exercising a grazing right of common in relation to the Release Land, even leaving aside the 18 January 1995 agreement. Moreover, it is not practicable to do so. Subject to any necessary enclosure, the commoners may exercise a grazing right of common on the balance of The Sands. They could readily do so on the Replacement Land, if the application is granted. More animals could graze on the Replacement Land than on the Release Land, or else each animal would have more space. It follows that the proposals would not affect the commoners' ability to exercise their right or adversely affect their interests. Given that their right of common over the Release Land is illusory, the issue of exploring alternatives to reduce the impact of the proposals on the exercise of that right does not arise. In any event, there is no alternative which would reduce the impact on that right.

[4] *Common Land consents policy* is also relevant and applied.

26. The public has a technical right of access to the Release Land for air and exercise. There is very limited if any evidence before the inquiry that the public has sought to enjoy this technical right since WWII at the latest. There is no evidence of anyone having sought to do so on horseback. The public can and does easily enjoy this right of access on the balance of The Sands. It would easily be able to do so on the Replacement Land if the application is granted. Indeed, given that the Replacement Land is more than ten times the size of the Release Land, more of the public would be able to enjoy this right at the same time or else each member of the public would have more space. It follows that de-registration of the Release Land would not adversely or materially affect the interests of the public in terms of the access right.

27. The £5,920 annual fee payable to the Trustees on behalf of the Freemen under the 18 January 1995 agreement is referable to the rental value of the Release Land rather than the surrendered, but illusory, grazing right of common. DCC's proposals would not cause any financial loss to rights holders.

28. DCC owns and occupies the Release Land. De-registration would be in its interests as it would regularise the *de facto* position and permit, without legal qualification, the implementation of the new HQ scheme in accordance with the planning permission.

The interests of the neighbourhood

29. The interpretation of "neighbourhood" has been described as "quintessentially a matter for the judgment of the inspector."[5] The Release Land and the Replacement Land may serve different neighbourhoods, although they are only 790m apart as the crow flies.

30. The proposed Replacement Land would positively benefit its neighbourhood. It would open up an attractive area of land for public recreation. By contrast, loss of the Release Land would not mean that local people would be prevented from using the common in the way they are used to.

[5] R (Tadworth and Walton Residents' Association) v Secretary of State for Environment, Food and Rural Affairs [2015] EWHC 972 (Admin) *per* Holgate J.

For decades and more, the public has been used to using the balance of The Sands for recreation rather than the Release Land and that user will be unaffected by the proposal. Moreover, the public would be able to walk on the Release Land if the application is granted. De-registration of the Release Land would not interfere with future use and enjoyment of The Sands as a whole. Depending upon their address, past or current public users of the Release Land for air and exercise (if any) would find the Replacement Land more or less convenient or equally convenient. The Replacement Land would represent a quantitative and qualitative improvement.

Public interest

31. There would be no or negligible nature conservation impact from de-registering the Release Land. It is possible to develop a low level grazing regime to protect and enhance the grassland of the Replacement Land, insofar as there would be any grazing (which is unlikely). Management of the Replacement Land as registered common gives rise to potential benefits from a nature conservation perspective. Signage and an additional access point, proposed by Natural England and agreed to by DCC, would sufficiently mitigate any potential for impact on breeding birds. The proposal is thus consistent with the purpose of conserving biodiversity.

32. The proposal does not give rise to any adverse landscape or visual impact on the Release Land or Replacement Land, nor would it adversely affect enjoyment of the remaining part of The Sands. The Replacement Land's status as Green Belt and an Area of High Landscape Value would remain.

33. The proposal has no archaeological implications.

34. Although the Release Land is within a conservation area, it has minimal heritage significance and the proposal has no material heritage impact. The local heritage is of public recreation, fairs and circuses on the balance of The Sands, which would be unaffected by the proposal.

Other relevant matters

35. The proposal would regularise the *de facto* position and permit, without legal qualification, the implementation of the new HQ scheme in accordance with the planning permission. The new HQ will be of significant socio-economic benefit to the city, there would be a significant socio-economic cost if the proposed development on the Release Land or any part of it has to occur elsewhere and there are considerable socio-economic benefits associated with the use of the existing County Hall site as a strategic employment site with an estimated creation of several thousand jobs.

36. DCC has considered all viable options and alternatives. None is preferable to the proposal.

5 Other matters

37. Various objectors have devoted much energy to the proposition that the existing works on the Release Land are unlawful. The proposition has not been considered by any court. The works have planning permission and, consistent with the Annex to the Planning Inspectorate's Common Land Guidance Sheet 1a, DCC has made and is pursuing its section 16 application.

6 Conclusion

38. DCC will be inviting the appropriate national authority to grant its section 16 application.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

Applicant's Summary Statement of Case

Introduction

1. The applicant, Durham County Council ("DCC"), applies as owner under section 16(1) of the Commons Act 2006 to the appropriate national authority for "the Release Land" (land presently registered as common land) to cease to be so registered. DCC proposes that land specified in the application ("the Replacement Land") be registered as common land in place of the Release Land.

The Release Land

2. The Release Land is 1,675m² (0.17ha). It is 5.76% of an area of registered common land ("CL29") known as The Sands, which is 29,074m² (2.91ha). The effect of applications and proceedings under the Commons Registration Act 1965 was, amongst other things, to record the right of common of the Trustees and Wardens of the Freemen to graze 20 cows, 50 sheep, 10 goats and 10 horses over the whole of The Sands. *Pro rata*, the registered right of common equates to a right to graze 6 animals on the Release Land. The Trustees, Wardens and Freemen have never exercised this right of common. On 18 January 1995, the Trustees and Wardens of the Freemen on the one hand and DCC's forerunner on the other hand entered into an agreement whereby the former granted to the latter a right to use the Release Land as a municipal car park until 7 September 2080 in return for a yearly sum. As part of this agreement, the Trustees and Wardens of the Freemen surrendered all their rights in an agreement of 18 September 1850 with respect to the Release Land. Pursuant to this 1995 agreement, the Release Land was used as a municipal car park and subsequently as a coach park. In February 2019, planning permission was granted for the relocation of the coach park and it was relocated. On 1 April 2019, planning permission was granted for DCC's new HQ. The approved plans show the Release Land as a municipal car park[1] and the site of the water storage tank for the HQ's fire safety sprinkler system. The planning permission is being implemented. There is no evidence that the Trustees, Wardens or Freemen have any intention of exercising a grazing right of common on the Release Land. Pursuant to section 193 of the Law of Property Act 1925, members of the public have a technical right of access to the Release Land for air and exercise (on foot or on horseback). There is very limited if any evidence before the inquiry that the public has invoked this technical right since WWII at the latest.

The Replacement Land

3. The Replacement Land (known as Land East of Rivergreen Centre, Aykley Heads) is 18,371m² (1.84ha) and so more than ten times the size of the Release Land. It is an enclosed and gated area of semi-improved grassland, cut annually, with the appearance of an undulating meadow. It is readily capable of being grazed. It is extremely accessible from The Sands and elsewhere.

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[1] Proposed to be open for public parking in the evening and at weekends.

Interests of persons having rights in relation to, or occupying, the Release Land

4. The proposals would not affect the Freemen's ability to exercise their illusory rights or adversely affect their interests. There is very limited if any evidence before the inquiry that the public has sought to enjoy its technical right of access to the Release Land since WWII at the latest. There is no evidence of anyone having sought to do so on horseback. The public can and does easily enjoy this right of access on the balance of The Sands. It would easily be able to do so on the Replacement Land if the application is granted. De-registration of the Release Land would not adversely or materially affect the interests of the public in terms of the access right. DCC's proposals would not cause any financial loss to rights holders. There is no alternative which would reduce the impact on the Freemen's illusory right.

The interests of the neighbourhood

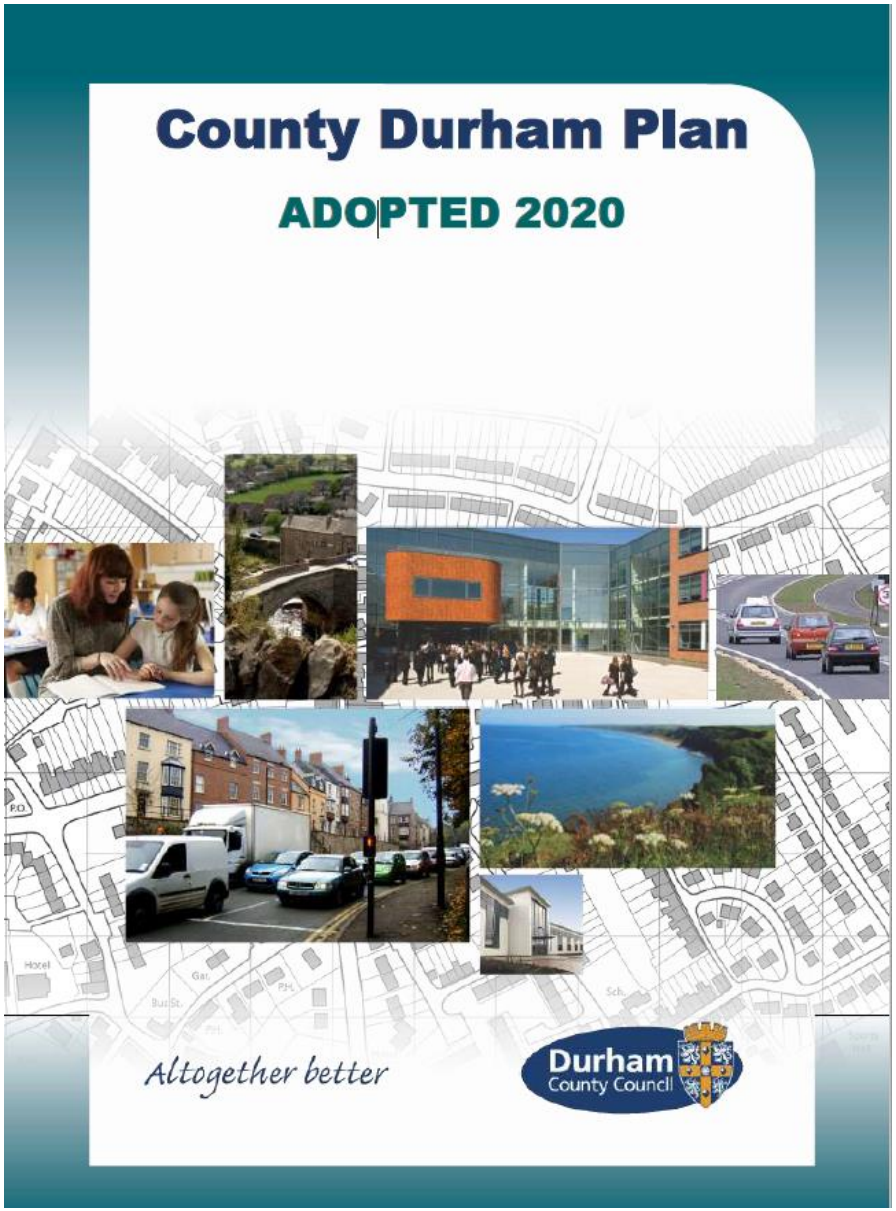
5. The Release Land and the Replacement Land may serve different neighbourhoods. The proposed Replacement Land would positively benefit its neighbourhood. Public users of the Release Land for air and exercise (if any) would find the Replacement Land more or less convenient or equally convenient. The Replacement Land would represent a quantitative and qualitative improvement. Loss of the Release Land would not mean that local people would be prevented from using the common in the way they are used to.

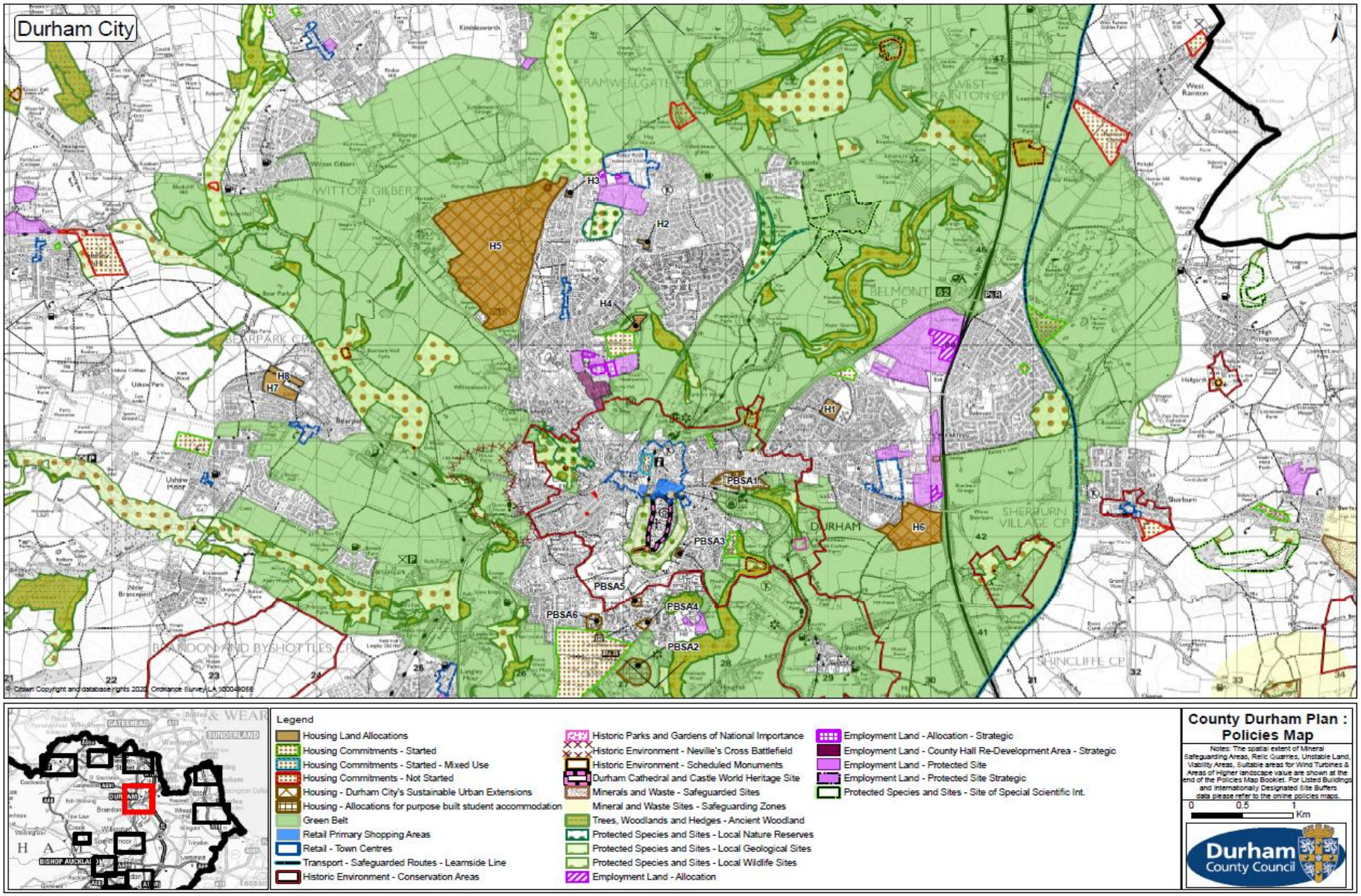
Public interest

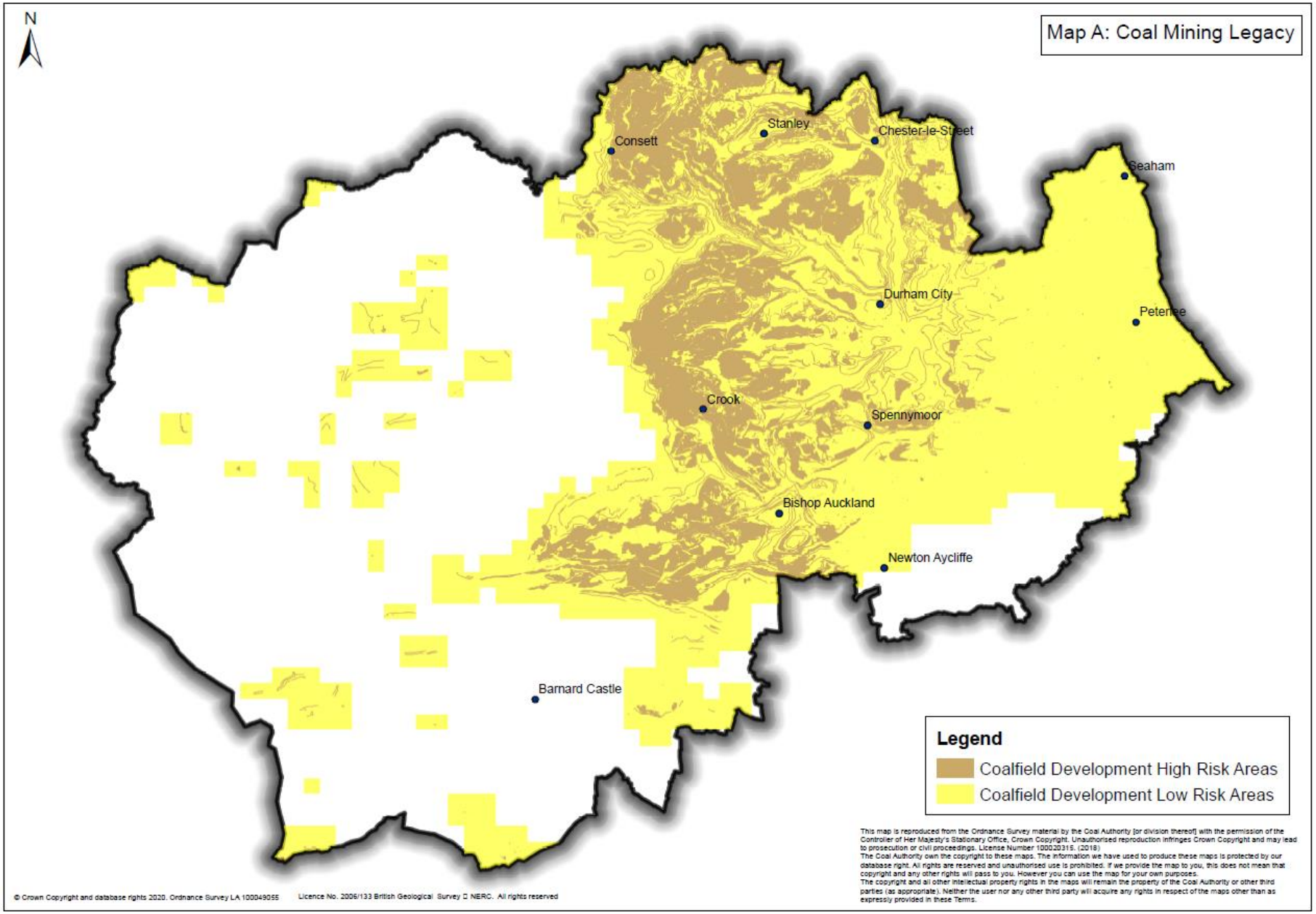
6. The proposal is consistent with the purpose of conserving biodiversity. The proposal does not give rise to any adverse landscape or visual impact on the Release Land or Replacement Land, nor would it adversely affect enjoyment of the remaining part of The Sands. The proposal has no archaeological implications. The proposal has no material heritage impact. Local heritage of public recreation, fairs and circuses on the balance of The Sands would be unaffected.

Other relevant matters

7. The proposal would regularise the *de facto* position and permit, without legal qualification, the implementation of the new HQ scheme in accordance with the planning permission. The new HQ will be of significant socio-economic benefit to the city, there would be a significant socio-economic cost if the proposed development on the Release Land or any part of it has to occur elsewhere and there are considerable socio-economic benefits associated with the use of the existing County Hall site as a strategic employment site with an estimated creation of several thousand jobs. DCC has considered all viable options and alternatives. None is preferable to the proposal.


County Durham Plan
ADOPTED 2020
Altogether better
Durham
County Council


Durham City
H1
H2
H3
H4
H5
H6
H7
H8
PBSA1
PBSA2
PBSA3
PBSA4
PBSA5
PBSA6
DURHAM
BELMONT CP
SHINCLIFFE CP
SHERBURN VILLAGE CP
WITTON GILBERT CP
BRANDON AND BYSHOTTLES CP
Legend
Housing Land Allocations
Housing Commitments - Started
Housing Commitments - Started - Mixed Use
Housing Commitments - Not Started
Housing - Durham City's Sustainable Urban Extensions
Housing - Allocations for purpose built student accommodation
Green Belt
Retail Primary Shopping Areas
Retail - Town Centres
Transport - Safeguarded Routes - Leamside Line
Historic Environment - Conservation Areas
Historic Parks and Gardens of National Importance
Historic Environment - Neville's Cross Battlefield
Historic Environment - Scheduled Monuments
Durham Cathedral and Castle World Heritage Site
Minerals and Waste - Safeguarded Sites
Mineral and Waste Sites - Safeguarding Zones
Trees, Woodlands and Hedges - Ancient Woodland
Protected Species and Sites - Local Nature Reserves
Protected Species and Sites - Local Geological Sites
Protected Species and Sites - Local Wildlife Sites
Employment Land - Allocation
Employment Land - Allocation - Strategic
Employment Land - County Hall Re-Development Area - Strategic
Employment Land - Protected Site
Employment Land - Protected Site Strategic
Protected Species and Sites - Site of Special Scientific Int.
County Durham Plan : Policies Map
Notes: The spatial extent of Mineral Safeguarding Areas, Relic Quarries, Unstable Land, Viability Areas, Suitable areas for Wind Turbines & Areas of Higher landscape value are shown at the end of the Policies Map Booklet. For Listed Buildings and Internationally Designated Site Buffers data please refer to the online policies maps.
0 0.5 1 Km
Durham County Council


N
Map A: Coal Mining Legacy
Consett
Stanley
Chester-le-Street
Seaham
Durham City
Peterlee
Crook
Spennymoor
Bishop Auckland
Newton Aycliffe
Barnard Castle
Legend
Coalfield Development High Risk Areas
Coalfield Development Low Risk Areas
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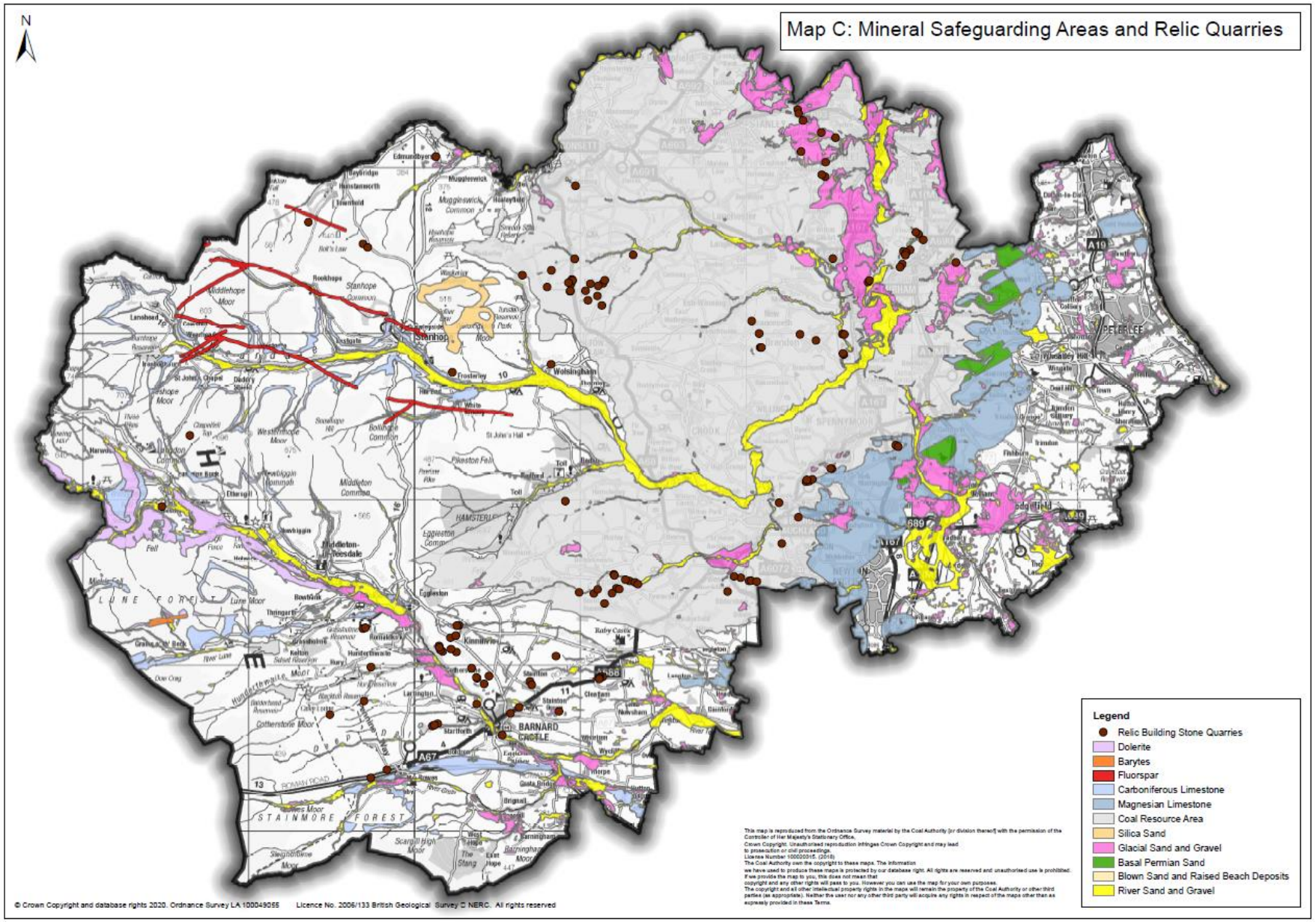
Map C: Mineral Safeguarding Areas and Relic Quarries
N
Legend
Relic Building Stone Quarries
Dolerite
Barytes
Fluorspar
Carboniferous Limestone
Magnesian Limestone
Coal Resource Area
Silica Sand
Glacial Sand and Gravel
Basal Permian Sand
Blown Sand and Raised Beach Deposits
River Sand and Gravel
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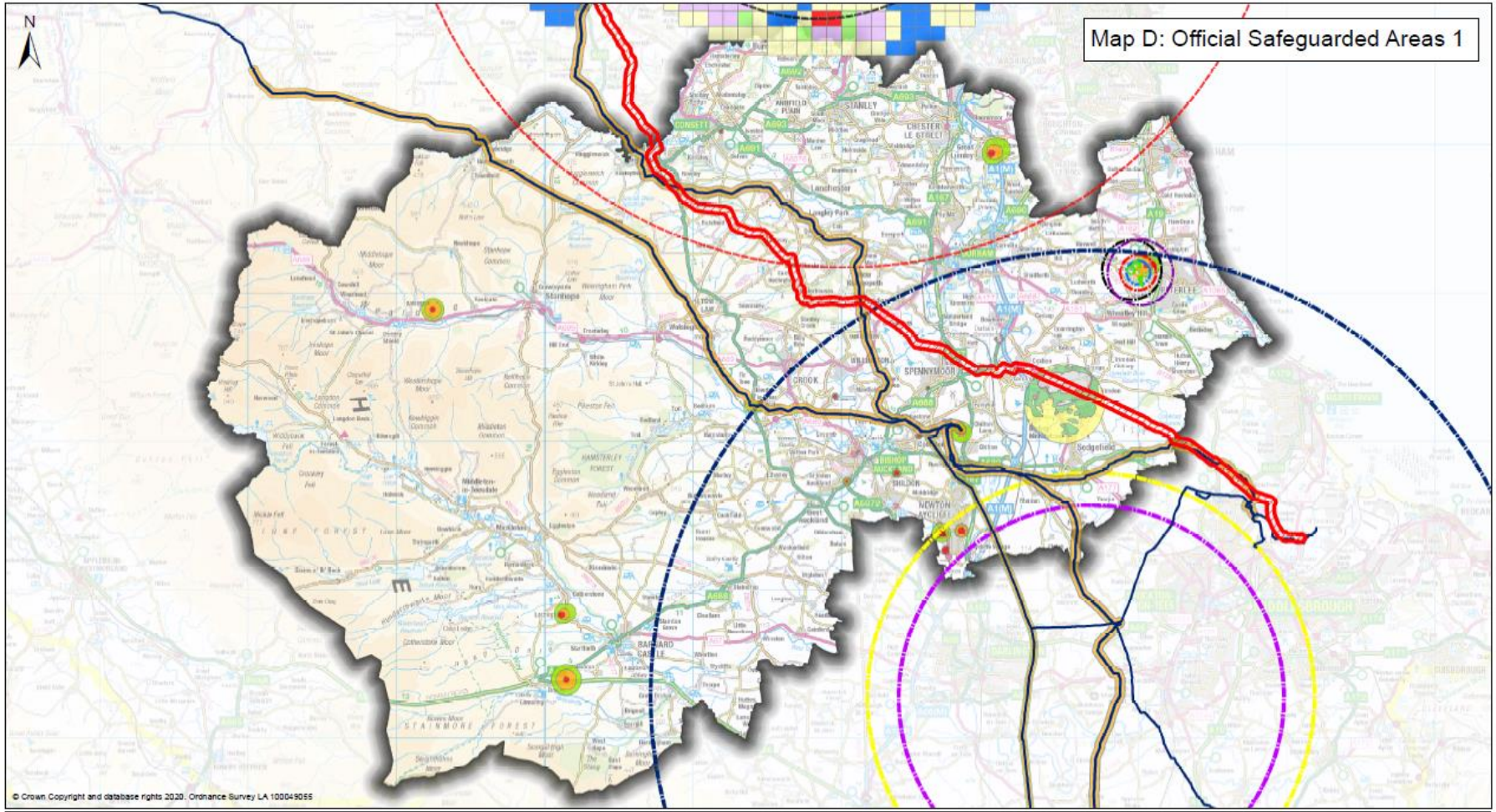


Ethylene Pipeline HSE EP Distance

High Pressure Gas Pipeline Zones

Zone
- Inner
- Middle
- Outer

HSE Major Hazard Sites Consultation Zones

ZONE
- Inner
- Middle
- Outer

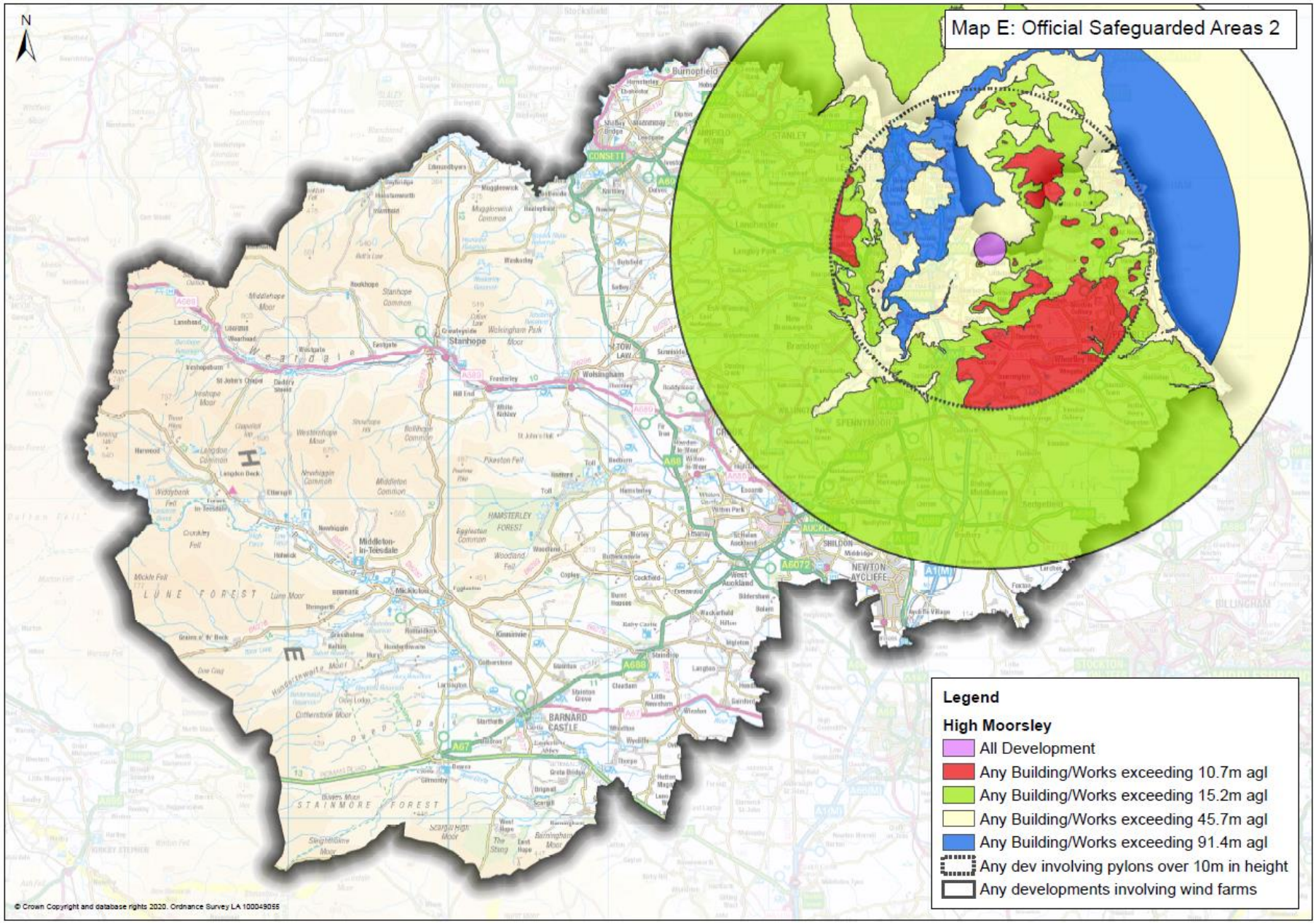
Fishburn Airfield Buffer

Height For Referral
- Any development
- Greater than 10m height AGL
- Greater than 15m height AGL
- Greater than 45m height AGL
- Greater than 90m height AGL

Tees Valley Airport
- 13KM Protected Surfaces Safeguarding Circle
- 15KM Birdstrike Safeguarding Circle
- 30km Wind Farm Consultation Zone

Peterlee Parachute Drop Zones
- Parachute Landing Area
- Overshoots PLA
- 250m PLA
- 800m
- 1200m
- 2000m
- 2400m

NewcastleAirport
- All Applications for Development likely to attract birds and all applications connected with a aviation use
- All buildings, structures, erections and works exceeding 10 metres in height (32.8 feet)
- All Development
- All buildings, structures, erections and works exceeding 15 metres in height (49.2 feet)
- All buildings, structures, erections and works exceeding 45 metres in height (147.6 feet)
- All buildings, structures, erections and works exceeding 90 metres in height (295.3 feet)
- 30km Wind Farm Consultation Zone


Map E: Official Safeguarded Areas 2
N
Legend
High Moorsley
All Development
Any Building/Works exceeding 10.7m agl
Any Building/Works exceeding 15.2m agl
Any Building/Works exceeding 45.7m agl
Any Building/Works exceeding 91.4m agl
Any dev involving pylons over 10m in height
Any developments involving wind farms
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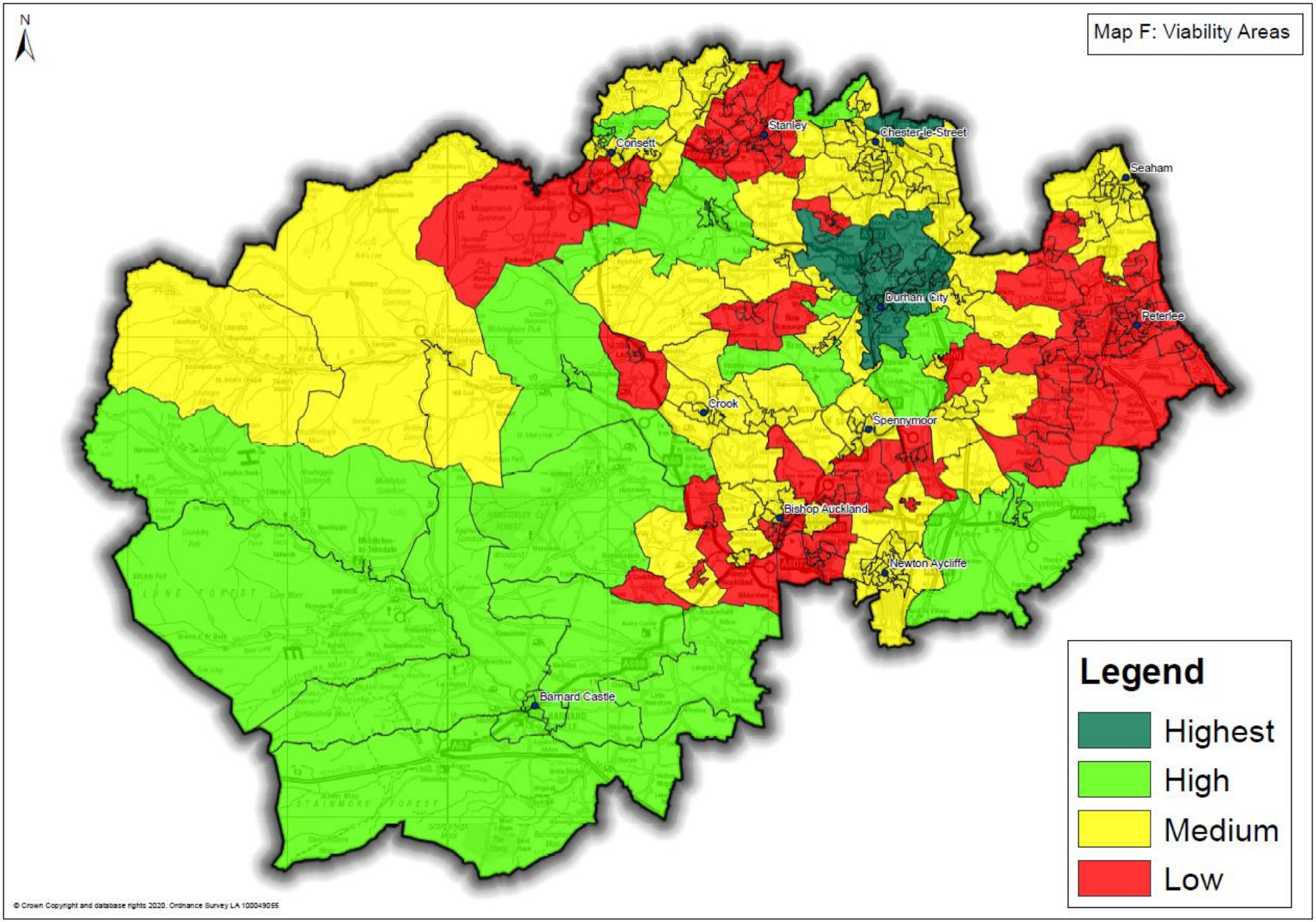
N
Map F: Viability Areas
Stanley
Consett
Chester-le-Street
Seaham
Durham City
Peterlee
Crook
Spennymoor
Bishop Auckland
Newton Aycliffe
Barnard Castle
Legend
Highest
High
Medium
Low
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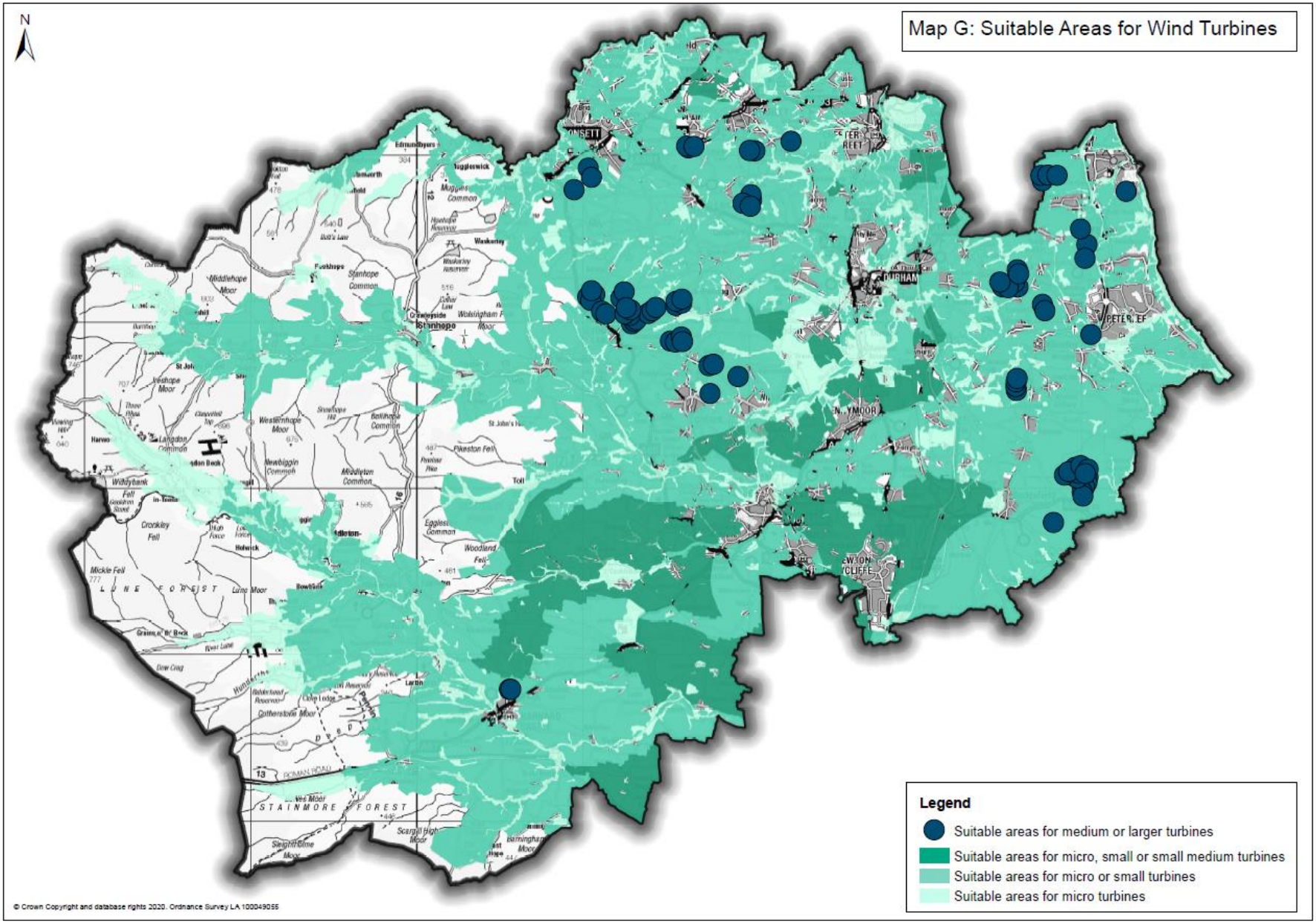
N
Map G: Suitable Areas for Wind Turbines
Legend
Suitable areas for medium or larger turbines
Suitable areas for micro, small or small medium turbines
Suitable areas for micro or small turbines
Suitable areas for micro turbines
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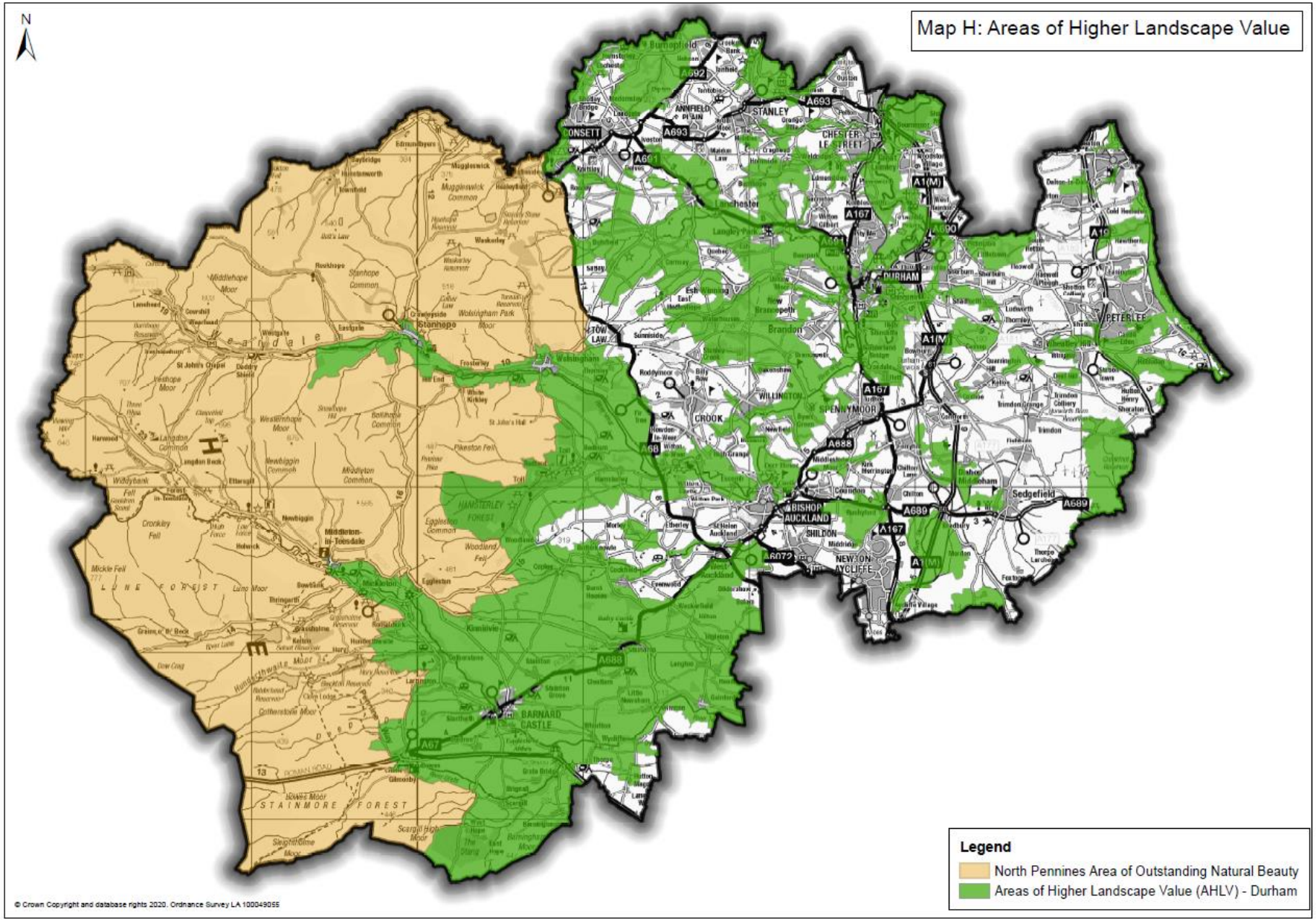
Map H: Areas of Higher Landscape Value
N
Legend
North Pennines Area of Outstanding Natural Beauty
Areas of Higher Landscape Value (AHLV) - Durham
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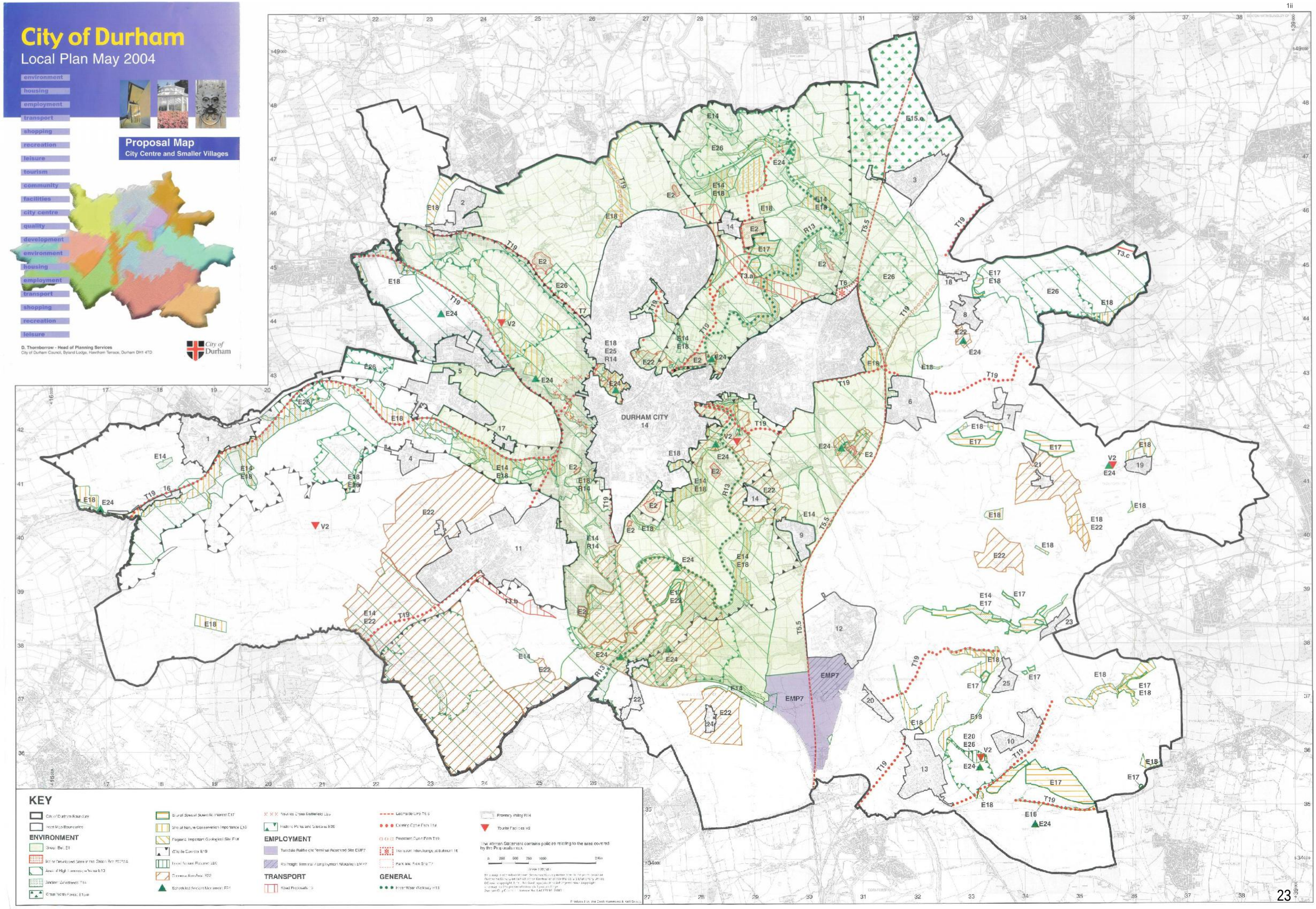

City of Durham
Local Plan May 2004
environment
housing
employment
transport
shopping
recreation
leisure
tourism
community
facilities
city centre
quality
development
environment
housing
employment
transport
shopping
recreation
leisure
Proposal Map
City Centre and Smaller Villages
D. Thornborrow - Head of Planning Services
City of Durham Council, Byland Lodge, Hawthorn Terrace, Durham DH1 4TD
City of Durham
DURHAM CITY
14
KEY
City of Durham Boundary
Inset Map Boundaries
ENVIRONMENT
Green Belt E1
Major Developed Sites in the Green Belt E2/E2A
Areas of High Landscape Value E13
Ancient Woodlands E14
Great North Forest E15a
Site of Special Scientific Interest E17
Site of Nature Conservation Importance E18
Regional Important Geological Site E18
Wildlife Corridor E19
Local Nature Reserve E20
Conservation Area E22
Scheduled Ancient Monument E24
Nevilles Cross Battlefield E25
Historic Parks and Gardens E26
EMPLOYMENT
Turnstall Rail/Freight Terminal Reserved Site EMP7
Railfreight Terminal / Employment Allocation EMP7
TRANSPORT
Road Proposals T3
Leamside Line T5.5
Existing Cycle Path T19
Proposed Cycle Path T19
Transport Interchange at Belmont T6
Park and Ride Site T7
GENERAL
River Wear Walkway R13
Provency Valley R14
Tourist Facilities V2
The Written Statement contains policies relating to the area covered by the Proposals map.
0 250 500 750 1000 2 Km
Produced by the Zoek Hammond & Kell Group

Contact: Henry Jones
Direct Tel: 03000 263960
email: planning@durham.gov.uk
Your ref:
Our ref: DM/18/02369/FPA

Savills
Mr Martin Bonner
Maling Exchange
Hoults Yard
Walker Road
Newcastle Upon Tyne
NE6 2HL

1st April 2019

Dear Sir/Madam

Town and Country Planning Act 1990

Proposed Erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures

At The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ

For Kier Property Developments Ltd

The above application received on 9 August 2018 was considered by the Council and it has been agreed that permission should be granted. I therefore enclose the appropriate approval certificate. If an application under the Building Regulations was also submitted, development must not commence until Building Regulations Approval has been received from the Building Control Division.

Should the Building Control Division require any alterations to the approved plan(s), in order to issue a Building Regulations Approval, you are required to resubmit a copy of the amended plan(s) to me for approval before commencing work.

I would also draw your attention to the conditions of the permission and particularly if there are matters requiring approval before development commences. This must be done by way of a formal application for the approval of details reserved by a condition. Forms can be downloaded from the Council's website (www.durham.gov.uk) or submitted electronically via iApply or the Planning Portal. **Please note that failure to comply with conditions could lead to the Council considering the taking of enforcement action.**

I would also be grateful if you would complete and return the Notification of Commencement of Development form at the appropriate time.

If the Council posted a site notice publicising this application and it is still on display, please could you kindly remove it.

Yours faithfully

S Timmiss
Head of Development and Housing

Regeneration and Local Services
Durham County Council
Planning Development (Strategic)
Room 4/123-128, County Hall, Durham DH1 5UL Main
Telephone: 03000 262 830

1 April 2019

Dear Sir/Madam

Providing your Views

Durham County Council wants to provide an effective and responsive Planning Development Management Service and we can only do this with the help of our customers.

You recently made a planning application to the Council and we would like to know what you thought about the quality of the service provided.

We would be grateful therefore if you could take a little time to complete our survey. There is a link to this below and it should take no more than a few minutes to do. The survey is anonymous and will only be used to monitor and review the service we provide.

https://www.surveymonkey.com/s/DCC_Planning_Service

If you have any problems accessing the survey link or would like a copy in paper format, please contact us direct on: **03000 262830** or via email: ***planning@durham.gov.uk***

If you are a regular user of the service and have recently completed the survey it is also appreciated that you may not wish to repeat the process.

Thank you for your help and co-operation.

Yours faithfully

Stephen Reed
Head of Development Management

Regeneration and Local Services
Durham County Council
Planning Development (Strategic)
Room 4/123-128, County Hall, Durham DH1 5UL Main
Telephone: 03000 262 830

APPROVAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: **DM/18/02369/FPA**

Applicant

Kier Property Developments Ltd
7 Merchants Court
C/o Agent

Agent
Savills
Mr Martin Bonner
Maling Exchange
Hoults Yard
Walker Road
Newcastle Upon Tyne
NE6 2HL

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: Erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures

At: The Sands Carpark And
Durham Sixth Form Car Park Site
Freemans Place
Durham
DH1 1SQ

Date of Application: 9 August 2018

PART 2 – PARTICULARS OF DECISION

The **Durham County Council** hereby give notice in pursuance of the Town and Country Planning Act 1990 that planning permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations and mitigation measures contained therein:

   Plans

   DHQ-RYD-00-ZZ-DR-A-0002 Rev P4 Site Location Plan
   DHQ-ONE-ZZ-XX-DR-L-00001 Rev P15 Landscape Masterplan - Ground Level

DHQ-ONE-ZZ-XX-DR-L-00002 Rev P10 Hardworks General Arrangement (sheet 1 of 2 - South)
DHQ-ONE-ZZ-XX-DR-L-0003 Rev P11 Hardworks General Arrangement (sheet 2 of 2 - North)
DHQ-ONE-ZZ-XX-DR-L-0006 Rev P04 Hardworks General Arrangement (sheet 4 - car park)
N628-ONE-ID-DR-L-0010 Rev P03 Illustrative Landscape Masterplan
N628-ONE-ID-L-0011 Rev P03 Site Access & Circulation Strategy
DHQ-ONE-ZZ-XX-DR-L-0601 Rev P02 Illustrative Landscape Details Civic Square (sheet 1)
DHQ-ONE-ZZ-XX-DR-L-0602 Rev P03 Illustrative Landscape Details Civic Square (sheet 2)
DHQ-ONE-ZZ-XX-DR-L-0603 Rev P03 Illustrative Landscape Details Riverside Walk
DHQ-ONE-ZZ-XX-DR-L-0604 Rev P02 Illustrative Landscape Details Freemans Place
DHQ-RYD-00-ZZ-DR-A-2001 Rev P15 Site Plan
DHQCP-RYD-00-ZZ-DR-A-3001 Rev P7 MSCP GA Plan - Level 00
DHQCP-RYD-00-ZZ-DR-A-3002 Rev P7 MSCP GA Plan - Upper Levels
DHQ-RYD-00-05-DR-A-3006 Rev P4 Roof Plan
DHQ-RYD-00-00-DR-A-3010 Rev P2 GA Plan Level 00
DHQ-RYD-00-01-DR-A-3011 Rev P2 GA Plan Level 01
DHQ-RYD-00-02-DR-A-3012 Rev P2 GA Plan Level 02
DHQ-RYD-00-03-DR-A-3013 Rev P2 GA Plan Level 03
DHQ-RYD-00-04-DR-A-3014 Rev P2 GA Plan Level 04
DHQ-RYD-00-00-DR-A-3015 Rev P1 Sprinkler Tank Plan
DHQ-RYD-XX-XX-DR-A-3601 Rev P14 GA Elevations
DHQ-RYD-00-ZZ-DR-A-3604 Rev P1 Site Elevations
DHQ-RYD-00-00-DR-A-3605 Rev P1 Sprinkler Tank Elevations
DHQCP-RYD-XX-XX-DR-A-3607 Rev P3 North and South Elevations
DHQCP-RYD-XX-XX-DR-A-3608 Rev P3 East and West Elevations
DHQCP-RYD-00-ZZ-DR-A-3701 Rev P3 Fin Façade Detail
DHQCP-RYD-00-ZZ-DR-A-3801 Rev P1 GA Sections
DHQ-RYD-XX-XX-DR-A-3801 Rev P10 GA Building Sections
DHQ-RYD-00-ZZ-DR-A-3902 Rev P4 Detail Section East Façade through Glazing
DHQ-RYD-00-ZZ-DR-A-3905 Rev P4 Detailed Section West Façade South Block
N628-ONE-ZZ-XX-DR-L-0402 Rev P04 Outline Site Levels Sheet 1 South
N628-ONE-ZZ-XX-DR-L-0403 Rev P04 Outline Site Levels Sheet 2 North
N628-ONE-ZZ-XX-DR-L-0404 Rev P02 Outline Site Levels Sheet 3 MSCP

Documents

Ecological Impact Assessment R-3286-01.2
Environmental Statement Volume 1 Chapter 5 Cultural Heritage
Environmental Statement Volume 1 Chapter 6 Archaeology
Environmental Statement Volume 1 Chapter 8 Flood Risk and Drainage
Environmental Statement Volume 1 Chapter 9 Transport (Addendum Chapter - Jan 19)
Environmental Statement Volume 1 Chapter 10 Air Quality
Environmental Statement Volume 2 Appendix 8-1 Flood Risk Assessment Addendum by WSP 70054666-ADDFRA01 January 2019 and Flood Risk Assessment and Drainage Strategy by 3E P17-110-3E-ZZ-XX-DR-C-9000 July 2018 (where sections have not been superseded by the WSP Addendum)
Environmental Statement - Addendum

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E3, E5, E6, E10, E14, E15, E16, E18, E21, E22, E23, E24, EMP12, T1, T5, T10, T11, T12, T13, T20, T21, S1a, S10, R11, CC1, CC2, CC3, Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q15, U5, U8a, U9, U10, U11 and U12 and U14 and Parts 2, 4, 6, 7, 8, 11, 12, 14, 15 and 16 of the NPPF.

3. No development shall take place until a scheme for the phased closure of the existing County Hall building and its associated car parking has been submitted to and approved in writing by the Local Planning Authority. The building and car park shall thereafter be closed in accordance with the approved scheme.

Reason: So as to ensure the phased closure of the existing County Hall site so that the necessary control exists under the grant of planning permission so as to ensure that the vehicular movements associated with the relocation of the HQ are in accordance with the conclusions drawn within the submitted Transport and Air Quality Environmental Statement Chapters and having regards to City of Durham Local Plan Policies T1 and U5 and Parts 9 and 15 of the NPPF.

4. No development including demolition works shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

o A Dust Action Plan including measures to control the emission of dust and dirt during construction
o Full specification and details of all non-road mobile machinery (NRMM) so as to inform their potential air pollution emissions
o Details of methods and means of noise reduction
o Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration
o Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles (inclusive of wheel washing);
o Designation, layout and design of construction access and egress points;
o Details for the provision of directional signage (on and off site);
o Details of contractors compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
o Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
o Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
o Routing agreements for construction traffic
o Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
o Site Waste Management - inclusive of a waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works
o Detail of measures for liaison with the local community and procedures to deal with any complaints received
o Details/commitment to ensure that the annual average daily demolition/construction vehicular trips will not exceed 25 HDV movements per day over the demolition/construction period in its entirety

The Construction Management Plan shall have regard to BS 5228 Noise and Vibration Control on Construction and Open Sites during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 15 of the NPPF.

5. No development including demolition works shall take place until an Employment & Skills Plan has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF.

6. No development shall take place until an updated arboricutural impact assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The AIA shall include an updated tree protection plan (TPP) and fully detail the measures to protect the trees to be retained from the construction and demolition activities. No development shall take place until all trees scheduled for retention in the updated AIA have been protected in accordance with the approved AIA and TPP and the protection measures must remain in situ until the cessation of the development works.

Reason: In the interests of tree protection and visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, Q7 and Q8 and Parts 12 and 16 of the NPPF.

7. No development shall take place until a programme of archaeological work in accordance with a Written Scheme of Investigation has been approved in writing by the Local Planning Authority.

The Scheme shall provide for:
i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance. This must include a Level 2 historic building survey of the laundry stables and cart shed as required under paragraph 5.7.1 of the Environmental Statement Volume 1 Chapter 5 Cultural Heritage and paragraph 6.7.2 of the Environmental Statement Volume 1 Chapter 6 Archaeology
ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
iii; Post-fieldwork methodologies for assessment and analyses
iv; Report content and arrangements for dissemination, and publication proposals
v; Archive preparation and deposition with recognised repositories
vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works
viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Prior to the occupation of the development hereby approved, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: In order to comply with City of Durham Local Plan Policy E24 and Paragraphs 197 and 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

8. No development, apart from demolition, shall take place on the land of the proposed Multi Storey Car Park itself, until:

Confirmation as to whether gas protection measures are required within the car parking has been submitted to and agreed in writing by the Local Planning Authority. Should it be

confirmed that gas protection measures are required, a verification plan must be first submitted to and thereafter agreed in writing by the Local Planning Authority which details the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should thereafter be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experienced and suitably trained person(s) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Thereafter and during the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with the current YALPAG guidance and where necessary a Phase 3 Remediation Strategy. The development shall be completed in accordance with any amended specification of works.

Upon completion of the development, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategies (comprising of any additional gas protection measures and measures contained within the Dunelm Geotechnical and Environmental Ltd. (09.10.2018) Remediation Strategy for land at Durham Sixth Form, Durham, Prepared for Durham County Council, Report No. D8647/RS) shall be submitted to and agreed in writing with the Local Planning prior to occupancy/bringing into use of the car park. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with City of Durham Local Plan Policies U9, U11 and U12 and NPPF Part 15.

9. No development shall take place relating to the erection of the Multi Storey Car Park hereby approved until an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail;
i) measures for protection from construction
ii) any necessary pruning or other works
iii) measures to lift/remove the hardsurfacing around it and method to restore to grass including mitigation works such as de-compaction and/or biochar treatment in relation to the London Plane tree no. 73 as identified in the Preliminary Tree Survey and Arboricultural Impact Assessment by Brooks Ecological. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of tree protection and visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, Q7 and Q8 and Parts 12 and 16 of the NPPF.

10. No development other than demolition, preliminary site excavation, enabling and remedial works shall take place until full details of the final surface water drainage disposal strategic for the development including the incorporation of Sustainable urban Drainage System features has been submitted to and approved in writing by the local planning authority. The final surface water drainage disposal scheme must have consideration of the effects climate change in its design. The agreed scheme shall also include details the long term management and maintenance measures and proposals. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure adequate surface water disposal measures for the development in the interests of reducing the risk of flooding having regards to Part 14 of the NPPF.

11. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works shall take place until full details including samples and sample panels of all external

materials to be used within the development have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23 and Q7 and Parts 12 and 16 of the NPPF.

12. Notwithstanding details contained within the plans and documents submitted no development other than demolition, preliminary site excavation, enabling and remedial works shall take place until a detailed landscaping scheme for the development as has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention
Details of soft landscaping including planting species, sizes, layout, densities, numbers
Details of planting procedures or specification
Finished topsoil levels and depths
Details of temporary topsoil and subsoil storage provision
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards
Details of hard landscaping and public realm works
Details of means of enclosure including retaining walls

Details of the long term management proposals and details of the timescales of the implementation of the landscaping proposals shall also be submitted.

The agreed landscaping scheme shall be completed within the first available planting season following the practical completion of the development.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the landscaping scheme shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, and Q7 and Parts 12 and 16 of the NPPF.

13. No development works, other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations, and any hard and/or soft landscaping works shall take place, until a scheme for the long term maintenance of the subfloor flood storage voids as shown in drawing P17-110-3E-00-XX-DR-C-0002-P5, as amended January 2019, and Technical Appendix 8-1 Addendum Flood Risk Assessment Part 4, has been submitted to, and approved in writing by, the Local Planning Authority.

The maintenance plan should include, but not be limited to, the following:
o Agreement that the flood storage area will be maintained in perpetuity with ongoing maintenance/management of the area
o That the screens to the flood storage area should be kept clear at all times
o That in the event of a flood, the storage area will need to be cleared and any debris and silt should be removed, to ensure the storage area will not lose any capacity

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, both on and off site for the lifetime of the development as defined in paragraph 102 and 103 of the National Planning Policy Framework.

14. No development works, other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and, any hard and/or soft landscaping, shall take place until, a final Flood Risk Management Plan, as outlined within the Flood Risk Assessment Addendum by WSP 70054666-ADDFRA01 January 2019 (Environmental Statement Volume 2 Appendix 8-1), has been first submitted to and then, approved in writing by the Local Planning Authority.

The Flood Risk Management Plan must include, but not be limited to, the following:
- o Details on the trigger to be used and when the flood barrier will be deployed
- o Emergency evacuation procedures

Thereafter the scheme shall be fully implemented and subsequently maintained in accordance in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, both on and off site for the lifetime of the development as defined in paragraph 102 and 103 of the National Planning Policy Framework.

15. No development works other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to the buildings shall take place until a final lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. Said lighting scheme must include details of the locations and design of all external lights and must include details of the light spillages from both internal and external light sources. The lighting scheme must be designed so as to be sensitive to the ecological corridor of the River Wear and demonstrate minimisation of light spillage at the top of the River Wear bank adjacent to the site. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To minimise impacts upon protected species and to preserve nature conservation interests in accordance with Policies E16 and E18 of the City of Durham Local Plan and Part 15 of the NPPF.

16. No Combined Heat & Power (CHP), biomass or boiler plant shall be installed until;

i) an air quality impact assessment (AQA) has been submitted to and approved in writing by the Local Planning Authority detailing their potential impacts upon air quality and as necessary any mitigation measures. The CHP, biomass or boiler plant must thereafter be installed/implemented in accordance with the approved AQA.

or

ii) a screening exercise has been undertaken, submitted to and agreed in writing by the Local Planning Authority which indicates that the air quality impacts of the CHP, biomass or boiler plant are below the thresholds requiring the submission of the AQA referred to in i)

Reason: In the interest of reducing impacts upon air quality having regards to CDLP Policy U5 and Part 15 of the NPPF.

17. No development relating to the installation of any operational phase plant shall take place until a detailed noise impact assessment and scheme of sound attenuation measures associated with this operational phase plant has been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from the plant on the site shall not exceed a rating level of 39 LAeq (1 hour) between 07.00- 23.00 and 27dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Within 28 days of operation of the plant/machinery a validation report, demonstrating adherence with the above rating levels, shall be submitted in writing to the local planning authority.

Reason: In the interests of the amenity of the area having regards to CDLP Policy U5 and Part 15 of the NPPF.

18. No development relating to the installation of any operational phase plant, extraction or ventilation equipment shall take place until full details of the location and design of any plant, extraction and ventilation equipment including any housing or means of enclosures has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area having regards to CDLP Policy U5 and Part 15 of the NPPF.

19. Prior to the erection of an cycle parking shelter, smoking shelter, gas kiosk or bin store full details of their precise design, appearance and location shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23 and Q7 and Parts 12 and 16 of the NPPF.

20. Prior to the occupation of the building a final Travel Plan comprising immediate, continuing or long term measure to promote and encourage alternatives to single occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development. The Approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the approved details.

Reason: In the interests of promoting sustainable travel options and reducing potential impacts upon air quality having regards to Parts 9 and 15 of the NPPF.

21. On the land of the proposed HQ building itself, prior to the occupation of the building/building being brought into use a completed Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works undertaken (the Phase 3 Remediation Strategies as contained within the Dunelm Geotechnical and Environmental Ltd. (08.10.2018) Remediation Strategy for land at The Sands, Durham, Prepared for Durham County Council, Report No. D8633/RS) must have first been submitted to and approved in writing by the Local Planning Authority. If integrity testing of the membrane(s) was required a verification pro forma should be included within the submission.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with City of Durham Local Plan Policies U9, U11 and U12 and NPPF Part 15.

22. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment Addendum by WSP 70054666-ADDFRA01 January 2019 and Flood Risk Assessment and Drainage Strategy by 3E P17-110-3E-ZZ-XX-DR-C-9000 July 2018 (where sections have not been superseded by the WSP Addendum) both contained within Environmental Statement Volume 2 Appendix 8-1. This must include adherence to the following mitigation measures detailed:

- Finished floor levels shall be set no lower than 33.2m above Ordnance Datum (AOD)

- Subfloor flood storage voids shall be provided

Reason: To prevent the increased risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided having regards to paragraphs 102 and 103 of the NPPF.

23. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 15 of the NPPF.

24. Within 6 months of the commencement of development, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as agreed shall be implemented prior to the first occupation of the headquarters building.

Reason: In interests of good design, in accordance with Policy Q15 of the City of Durham Local Plan 2004 and Part 12 of the NPPF.

25. The Multi Storey Car Park (inclusive of the 16 surface level car parking spaces immediately adjacent) hereby approved must be implemented and then managed at all times (save for any incidences of unavoidable essential maintenance to the spaces) so as to include a minimum of 136 parking spaces which are allocated/dedicated for short stay parking use only.

Reason: In order to manage the Multi Storey Car Park so that it incorporates an appropriate balance of long stay and short stay parking availability in the interests of providing the appropriate mix of parking spaces having regards to the need to maintain City Centre vitality and viability and having regards to City of Durham Local Plan Policies T11, T12 and CC1 and Part 9 of the NPPF.

26. The Multi Storey Car Park (inclusive of the 16 surface level car parking spaces immediately adjacent) hereby approved shall not be occupied/brought into use until a car park management plan has been first submitted to and then approved in writing by the Local Planning Authority. The car park management plan must provide details on measures proposed to reserve, allocate or otherwise manage and control the use of the parking spaces. The Multi Storey Car Park must thereafter be operated in accordance with the approved car park management plan.

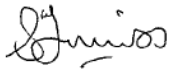
Reason: In order to define the management of the Multi Storey Car Park spaces in the. interests of ensuring its proper functioning and also in the interests of highway safety having regards to City of Durham Local Plan Policies T1 and T11 and Part 9 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

SIGNATURE

Signed: **Date: 1 April 2019**



S Timmiss
Head of Development and Housing

IMPORTANT NOTICE

THIS PERMISSION IS NOT VALID UNLESS THE CONDITIONS LISTED ARE COMPLIED WITH

NOTES TO APPLICANT

Further Information

This certificate is issued under the Town and Country Planning Acts and Orders and does not constitute a permission, approval or consent for any other purpose. Applications must therefore be made for any other permission, approval or consent (including Building Regulations approval or the approval of the Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development. Further approval of this local planning authority must be obtained for any subsequent alterations to the approved plans.

Appeals to the Secretary of State

* If the applicant is aggrieved by the decision of the Council to refuse permission, they may appeal under Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. In the case of 'Householder' or some forms of minor commercial development, the appeal must be made within 12 weeks of the date of this notice. If an enforcement notice relates to the site, there may be a shorter period for making the appeal. Please contact us for further advice.

Purchase Notice

* If the local planning authority or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

* In these circumstances, the owner may serve a purchase notice on the Council. This will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

* In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application.

* These circumstances are set out in Part IV and related provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Public Rights Of Way

This planning permission does not convey any rights to stop up, divert, obstruct or otherwise effect public rights of way, and appropriate orders must be sought for these purposes before any development starts.

The Definitive Map of Public Rights of Way can be viewed at www.durham.gov.uk.

Regeneration and Local Services
Durham County Council
Planning Development (Strategic)
Room 4/123-128, County Hall, Durham DH1 5UL Main
Telephone: 03000 262 830

NOTIFICATION OF COMMENCEMENT OF DEVELOPMENT

Planning Reference: DM/18/02369/FPA
Address of Works: The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ
Case Officer: Henry Jones

I confirm that the above development will begin on site on: _____

and end approximately on: _____

Name (please print) _____

Signed: _____ Date: _____

Contact Tel No: _____

Submission of this notice will allow us to help you by monitoring your development effectively. Please return it at least 2 weeks before work begins on site to planning@durham.gov.uk or the address above.

IMPORTANT INFORMATION

There may be a number of conditions attached to your planning permission. Please read this carefully and note those details which require the approval of Durham County Council before your development begins on site. It is particularly important that these conditions are fully complied with as failure to do so may have the effect of invalidating your planning permission. The approval of a further planning application would then be necessary in order for you to proceed with the development.

Once the development has commenced the Monitoring and Enforcement Officer may inspect the site to ensure that the requirements of all conditions are fully met and that your approved plans are being precisely followed. In the event of any non-compliance Durham County Council will consider the taking of enforcement action to remedy the situation.

Thank you for your co-operation

Contact: Henry Jones
Direct Tel: 03000 263960
Email: henry.jones@durham.gov.uk
Our Ref: DM/20/00702/VOC

Savills
Savills (Newcastle Office)
71 Grey Street
Newcastle Upon Tyne
NE1 6EF

22 June 2020

Dear Sir/Madam

Town and Country Planning Act 1990

Proposed	Variation of condition 2 of DM/18/02369/FPA (Erection of office headquarters with associated works and car parking) to permit installation of PV cells and roof terrace
At	The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ
For	Kier Property Ltd

The above application received on 16 March 2020 was considered by the Council and it has been agreed that permission should be granted. I therefore enclose the appropriate approval certificate. If an application under the Building Regulations was also submitted, development must not commence until Building Regulations Approval has been received from the Building Control Division.

Should the Building Control Division require any alterations to the approved plan(s), in order to issue a Building Regulations Approval, you are required to resubmit a copy of the amended plan(s) to me for approval before commencing work.

I would also draw your attention to the conditions of the permission and particularly if there are matters requiring approval before development commences. This must be done by way of a formal application for the approval of details reserved by a condition. Forms can be downloaded from the Council's website (www.durham.gov.uk) or submitted electronically via the Planning Portal. **Please note that failure to comply with conditions could lead to the Council considering the taking of enforcement action.**

I would also be grateful if you would complete and return the Notification of Commencement of Development form at the appropriate time**.**

If the Council posted a site notice publicising this application and it is still on display, please could you kindly remove it.

Yours faithfully

S Timmiss
Head of Development and Housing

Regeneration and Local Services
Planning Development (Strategic)
Room 4/123-128, County Hall, Durham DH1 5UL Main
Telephone: 03000 262 830

APPLICATION TO VARY PLANNING CONDITION(S) APPROVAL

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: **DM/20/00702/VOC**

Applicant

Kier Property Ltd
C/o Agent

Agent
Savills
Savills (Newcastle Office)
71 Grey Street
Newcastle Upon Tyne
NE1 6EF

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: Variation of condition 2 of DM/18/02369/FPA (Erection of office headquarters with associated works and car parking) to permit installation of PV cells and roof terrace

At: The Sands Carpark And
Durham Sixth Form Car Park Site
Freemans Place
Durham
DH1 1SQ

Date of Application: 16 March 2020

PART 2 – PARTICULARS OF DECISION

The **Durham County Council** hereby give notice in pursuance of the Town and Country Planning Act 1990 that planning permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions and reasons:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations and mitigation measures contained therein:

DHQ-RYD-00-ZZ-DR-A-0002 Rev P4 Site Location Plan
N628-ONE-ID-L-0011 Rev P03 Site Access & Circulation Strategy
DHQ-RYD-00-ZZ-DR-A-2001 Rev P15 Site Plan
DHQCP-RYD-00-ZZ-DR-A-3001 Rev P7 MSCP GA Plan - Level 00
DHQCP-RYD-00-ZZ-DR-A-3002 Rev P7 MSCP GA Plan - Upper Levels
DHQ-RYD-00-00-DR-A-3010 Rev P2 GA Plan Level 00
DHQ-RYD-00-01-DR-A-3011 Rev P2 GA Plan Level 01
DHQ-RYD-00-02-DR-A-3012 Rev P2 GA Plan Level 02
DHQ-RYD-00-03-DR-A-3013 Rev P2 GA Plan Level 03
DHQ-RYD-00-04-DR-A-3014 Rev P2 GA Plan Level 04
DHQ-RYD-00-00-DR-A-3015 Rev P1 Sprinkler Tank Plan
DHQ-RYD-00-ZZ-DR-A-3604 Rev P1 Site Elevations
DHQCP-RYD-00-ZZ-DR-A-3701 Rev P3 Fin Façade Detail

DHQCP-RYD-00-ZZ-DR-A-3801 Rev P1 GA Sections
DHQ-RYD-00-ZZ-DR-A-3902 Rev P4 Detail Section East Façade through Glazing
DHQ-RYD-00-ZZ-DR-A-3905 Rev P4 Detailed Section West Façade South Block
DHQ-RYD-XX-03-DR-A-9869 Rev P4 Photovoltaic Panels
DHQ-RYD-XX-XX-DR-A-3801 Rev C2 GA Building Sections
DHQ-RYD-XX-XX-DR-A-3601 Rev C2 GA Elevations
DHQ-RYD-00-ZZ-DR-A-3023 Rev P1 Photovoltaics and Roof Terrace
Sprinkler Tank Elevations DHQ-RYD-00-00-DR-A-3605 Rev P2
North and South Elevations DHQCP-RYD-XX-XX-DR-A-3607 Rev P4
East and West Elevations DHQCP-RYD-XX-XX-DR-A-3608 Rev P4
Treatment Specification Document DHQ-RYD-00-ZZ-SP-A-NBS dated 04 October 2019
Mock-Up Sample Panels DHQ-KCSNE-ZZ-ZZ-DR-W-0170- Rev P02
Window and Curtain Wall Types DH1-RYD-XX-XX-DR-A-3602 Rev C3
Techrete Module Types DHQ-RYD-XX-XX-DR-A-3603 Rev C3
Curtain Wall Types DHQ-RYD-XX-XX-DR-A-3607 Rev C2
Techrete Finish Types DHQ-RYD-XX-XX-DR-A-3608 Rev C1
External Materials Sample Panel DHQ-RYD-00-ZZ-DR-A-9652 Rev C1
External Materials Sample Board DHQ-RYD-XX-XX-DR-A-3609 Rev C2
Landscape Masterplan Ground Level DHQ-ONE-00-00-DR-L-0001 Rev P16
Hardworks General Arrangement (Sheet 1 of 2 South) DHQ-ONE-00-00-DRL- 0002 Rev P11
Hardworks General Arrangement (Sheet 2 of 2 North) DHQ-ONE-00-00-DRL- 0003 Rev P12 received 18 March 2020
Detailed Planting Plan (Sheet 1 South) DHQ-ONE-00-00-DR-L-0201 Rev P06
Detailed Planting Plan (Sheet 2 North) DHQ-ONE-00-00-DR-L-0202 Rev P08
Civic Square - Seating Terraces Feature Step and Urban Tree Pit Arrangement DHQ-ONE-00-00-DR-L-0604 Rev P05
Civic Square - Seating Terrace and Feature Step Sections (Sheet 2) DHQONE- 00- 00-DR-L-0606 Rev P07
Civic Square - Seating Terrace and Feature Step Sections (Sheet 3) DHQONE- 00-00-DR-L-0607 Rev P07
Tree Pit Details in Soft Landscape DHQ-ONE-00-00DR-L-0617 Rev P03
Hard Landscape Surface Materials Key Plan DH1-ONE-00-00-SK-L-0005 Rev P02
Site Plan Proposed Highway Boundary 191120
Hardworks General Arrangement MSCP DHQCP-ONE-00-00-DR-L-0001 Rev P06
Outline Site Levels MSCP DHQCP-ONE-00-00-DR-L-0401 Rev P04
Outline Site Levels Sheet 1 South DHQ-ONE-00-00-DR-L-0402 Rev P06
Outline Site Levels Sheet 2 North DH1-ONE-00-00-DR-L-0403 Rev P06
Boundary Screen Details MSCP DHQCP-ONE-00-00-DR-L-0601 Rev P03
Illustrative Landscape Details Civic Square Sheet 1 DHQ-ONE-ZZ-XX-DR-L- 0601 Rev P03
Boundary Wall Details MSCP DHQCP-ONE-00-00-DR-L-0602 Rev P02
Typical Paving Interface Details DHQ-ONE-00-00-DR-L-0602 Rev P03
Civic Square Detailed Paving Arrangement DHQ-ONE-00-00-DR-L-0603 Rev P04
Illustrative Landscape Details Riverside Walk DHQ-ONE-ZZ-XX-DR-L-0603 Rev P04
Civic Square Seating Terrace and Feature Step Sections Sheet 1 DHQ-ONE- 00-00-DR-L-0605 Rev P03
Civic Square - Seating Terrace and Feature Step Sections Sheet 4 DHQONE- 00-00-DR-L-0608 Rev P03
Civic Square Café Terrace Details DHQ-ONE-00-00-DR-L-0609 Rev P03
Civic Square Café Terrace Seating Details DHQ-ONE-00-00-DR-L-0610 Rev P03
Main Approach - Hedge Element Tree Pit and Grille Details DHQ-ONE-00-00- DR-L-0611 Rev P05
Northern Access Stair Details DHQ-ONE-00-00-DR-L-0612 Rev P04
Riverside Walk Details Sheet 1 DHQ-ONE-00-000-DR-L-0613 Rev P07
Riverside Walk Details Sheet 2 DHQ-ONE-00-00-DR-L-0614 Rev P07
Riverside Walk Details Sheet 3 DHQ-ONE-00-00-DR-L-0615 Rev P07
Riverside Walk Details Sheet 4 DHQ-ONE-00-00-DR-L-0616 Rev P06
Street Furniture Details General DHQ-ONE-00-00-DR-L-0619 P04
Riverside Walk - Feature Seat Details DHQ-ONE-00-00-DR-L-0625 Rev P03
Bespoke Tree Grille Details DHQ-ONE-00-00-DR-L-0626 Rev P02
Durham County Council HQ Landscape Specification Q10 Rev P03 dated 19 December 2018
Durham County Council HQ Landscape Specification Q23 dated 19 December 2018
Durham County Council HQ Landscape Specification Q24 dated 19 December 2018
Durham County Council HQ Landscape Specification Q25 Rev P03 dated 19 December 2018
Durham County Council HQ Landscape Specification Q28 Rev P03 dated 16 August 2019
Durham County Council HQ Landscape Specification Q30 dated 19 December 2018

Durham County Council HQ Landscape Specification Q31 Rev P02 dated 28 November 2018
Durham County Council HQ Landscape Specification Q35 Rev P02 dated 18 September 2018
Durham County Council HQ Landscape Specification Q40 dated 19 December 2018
Durham County Council HQ Landscape Specification Q41 dated 19 December 2018
Durham County Council HQ Landscape Specification Q50 Rev P03 dated 01 July 2019
Soft Landscape Management Plan DHQ-ONE-ZZ-XX-RP-L-0001_P01 dated 16 August 2019
Landscape Materials Schedule N628-ONE-PR-SH-0003 Rev P02
Ecological Impact Assessment R-3286-01.2
Environmental Statement Volume 1 Chapter 5 Cultural Heritage
Environmental Statement Volume 1 Chapter 6 Archaeology
Environmental Statement Chapter 7 Landscape and Visual Impact inc Figures 7.1-7.53
Environmental Statement Volume 1 Chapter 8 Flood Risk and Drainage
Environmental Statement Volume 1 Chapter 9 Transport (Addendum Chapter - Jan 19)
Environmental Statement Volume 1 Chapter 10 Air Quality
Environmental Statement Volume 2 Appendix 8-1 Flood Risk Assessment
Addendum by WSP 70054666-ADDFRA01 January 2019 and Flood
Risk Assessment and Drainage Strategy by 3E P17-110-3E-ZZ-XXDR- C-9000 July 2018 (where sections have not been superseded by the WSP Addendum)
Environmental Statement - Addendum
2nd Environmental Statement - Addendum S73 - PV cells and roof terrace
Environmental Statement Volume 1 Chapter 7 Second ES Addendum Section 73 Figures
Preliminary Tree Survey and Arboricultural Impact Assessment R-3286-03.04
Revised June 2019 by Brooks Ecological received 11 June 2019
Arboricultural Method Statement R-3286-04.02 AMS revised 10.06.2019 Received 11 July 2019
Drainage Strategy P17-110-3E-ZZ_XX_DR_C-9001 received 25 October 2019
Car Park Phased Closure TM/40038/14/54 Rev P
SLR Air Quality Document 410.07698.00003_Rev2
Scheme for a Phased Closure Document Rev 2
Durham CC HQ Technical Note 1 Rev B
Preprufe 300R /160 R Membranes Product Data Sheets
Planning Condition 8 Ground Gas Protection Measures document dated 25 October 2019
Bituthene 8000/8000S Membranes Product Data Sheets
Gas Risk Assessment - Durham Sixth Form Centre D8184
Planning Condition 13 - Flood Storage Void Maintenance dated 11 September 2019
Cleaning and Maintenance Strategy Revision P2 dated 29 January 2019
Electrical Services External Services Layout DHQ-DES-ZZ-XX-DR-E-9601 Rev 06
Durham County Council HQ Operational Procedures Flood Risk Management
Plan 70054666-FRMP01 February 2020 Revision 5 received 18 February 2020
Exterior Lighting Assessment 1661-63-RPT-01 Issue no. 7 received 22 January 2020
Internal Blind Schedule DHQ-RYD-00-ZZ-DR-A-8902 Rev P3
Construction Method Statement dated 5th August 2019 Rev 6
Construction Programme Description received 30th July 2019
Written Scheme of Investigation for Archaeological Mitigation NAA 19/30 dated April 2019
Durham County Council HQ Employment and Skills Plan received 8 April 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E3, E5, E6,
E10, E14, E15, E16, E18, E21, E22, E23, E24, EMP12, T1, T5, T10, T11, T12, T13, T20, T21, S1a, S10, R11, CC1, CC2, CC3, Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q15, U5, U8a, U9, U10, U11 and U12 and U14 and Parts 2, 4, 6, 7, 8, 11, 12, 14, 15 and 16 of the NPPF.

2. The existing County Hall building and its associated car park must be closed in accordance with the following approved documents and plans

Car Park Phased Closure TM/40038/14/54 Rev P
Scheme for a Phased Closure Document Rev 2

Reason: So as to ensure the phased closure of the existing County Hall site so that the necessary control exists under the grant of planning permission so as to ensure that the vehicular movements associated with the relocation of the HQ are in accordance with the conclusions drawn within the submitted Transport and Air Quality Environmental Statement Chapters and having regards to City of Durham Local Plan Policies T1 and U5 and Parts 9 and 15 of the NPPF.

3. Upon completion of the development, a Phase 4 Verification (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation detailed in the Phase 3 Remediation Strategies listed below in regards to the car parking gas protection measures shall be submitted to and agreed in writing with the Local Planning prior to occupancy/bringing into use of the car park. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Preprufe 300R /160 R Membranes Product Data Sheets
Planning Condition 8 Ground Gas Protection Measures document dated 25 October 2019
Bituthene 8000/8000S Membranes Product Data Sheets
Gas Risk Assessment - Durham Sixth Form Centre D8184

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with City of Durham Local Plan Policies U9, U11 and U12 and NPPF Part 15.

4. All drainage disposal shall be carried out and thereafter managed and maintained in accordance with the following approved details

Drainage Strategy P17-110-3E-ZZ_XX_DR_C-9001 received 25 October 2019

Reason: To ensure adequate surface water disposal measures for the development in the interests of reducing the risk of flooding having regards to Part 14 of the NPPF.

5. All hard and soft landscaping works, public realm works and erection of means of enclosures must be undertaken in accordance with the following approved landscaping scheme details.

Landscape Masterplan Ground Level DHQ-ONE-00-00-DR-L-0001 Rev P16
Hardworks General Arrangement (Sheet 1 of 2 South) DHQ-ONE-00-00-DR-L-0002 Rev P11
Hardworks General Arrangement (Sheet 2 of 2 North) DHQ-ONE-00-00-DR-L-0003 Rev P12 received 18 March 2020
Detailed Planting Plan (Sheet 1 South) DHQ-ONE-00-00-DR-L-0201 Rev P06
Detailed Planting Plan (Sheet 2 North) DHQ-ONE-00-00-DR-L-0202 Rev P08
Civic Square - Seating Terraces Feature Step and Urban Tree Pit Arrangement DHQ-ONE-00-00-DR-L-0604 Rev P05
Civic Square - Seating Terrace and Feature Step Sections (Sheet 2) DHQ-ONE-00-00-DR-L-0606 Rev P07
Civic Square - Seating Terrace and Feature Step Sections (Sheet 3) DHQ-ONE-00-00-DR-L-0607 Rev P07
Tree Pit Details in Soft Landscape DHQ-ONE-00-00DR-L-0617 Rev P03
Hard Landscape Surface Materials Key Plan DH1-ONE-00-00-SK-L-0005 Rev P02
Site Plan Proposed Highway Boundary 191120
Hardworks General Arrangement MSCP DHQCP-ONE-00-00-DR-L-0001 Rev P06
Outline Site Levels MSCP DHQCP-ONE-00-00-DR-L-0401 Rev P04
Outline Site Levels Sheet 1 South DHQ-ONE-00-00-DR-L-0402 Rev P06
Outline Site Levels Sheet 2 North DH1-ONE-00-00-DR-L-0403 Rev P06
Boundary Screen Details MSCP DHQCP-ONE-00-00-DR-L-0601 Rev P03
Illustrative Landscape Details Civic Square Sheet 1 DHQ-ONE-ZZ-XX-DR-L-0601 Rev P03
Boundary Wall Details MSCP DHQCP-ONE-00-00-DR-L-0602 Rev P02
Typical Paving Interface Details DHQ-ONE-00-00-DR-L-0602 Rev P03
Civic Square Detailed Paving Arrangement DHQ-ONE-00-00-DR-L-0603 Rev P04
Illustrative Landscape Details Riverside Walk DHQ-ONE-ZZ-XX-DR-L-0603 Rev P04
Civic Square Seating Terrace and Feature Step Sections Sheet 1 DHQ-ONE-00-00-DR-L-0605 Rev P03
Civic Square - Seating Terrace and Feature Step Sections Sheet 4 DHQ-ONE-00-00-DR-L-0608 Rev P03
Civic Square Café Terrace Details DHQ-ONE-00-00-DR-L-0609 Rev P03
Civic Square Café Terrace Seating Details DHQ-ONE-00-00-DR-L-0610 Rev P03
Main Approach - Hedge Element Tree Pit and Grille Details DHQ-ONE-00-00-DR-L-0611 Rev P05
Northern Access Stair Details DHQ-ONE-00-00-DR-L-0612 Rev P04
Riverside Walk Details Sheet 1 DHQ-ONE-00-000-DR-L-0613 Rev P07
Riverside Walk Details Sheet 2 DHQ-ONE-00-00-DR-L-0614 Rev P07
Riverside Walk Details Sheet 3 DHQ-ONE-00-00-DR-L-0615 Rev P07
Riverside Walk Details Sheet 4 DHQ-ONE-00-00-DR-L-0616 Rev P06

Street Furniture Details General DHQ-ONE-00-00-DR-L-0619 P04
Riverside Walk - Feature Seat Details DHQ-ONE-00-00-DR-L-0625 Rev P03
Bespoke Tree Grille Details DHQ-ONE-00-00-DR-L-0626 Rev P02
Durham County Council HQ Landscape Specification Q10 Rev P03 dated 19 December 2018
Durham County Council HQ Landscape Specification Q23 dated 19 December 2018
Durham County Council HQ Landscape Specification Q24 dated 19 December 2018
Durham County Council HQ Landscape Specification Q25 Rev P03 dated 19 December 2018
Durham County Council HQ Landscape Specification Q28 Rev P03 dated 16 August 2019
Durham County Council HQ Landscape Specification Q30 dated 19 December 2018
Durham County Council HQ Landscape Specification Q31 Rev P02 dated 28 November 2018
Durham County Council HQ Landscape Specification Q35 Rev P02 dated 18 September 2018
Durham County Council HQ Landscape Specification Q40 dated 19 December 2018
Durham County Council HQ Landscape Specification Q41 dated 19 December 2018
Durham County Council HQ Landscape Specification Q50 Rev P03 dated 01 July 2019
Soft Landscape Management Plan DHQ-ONE-ZZ-XX-RP-L-0001_P01 dated 16 August 2019
Preliminary Tree Survey and Arboricultural Impact Assessment R-3286-03.04 Revised June 2019
Arboricultural Method Statement R-3286-04.02 AMS Revised June 2019
Landscape Materials Schedule N628-ONE-PR-SH-0003 Rev P02

The agreed landscaping scheme shall be completed within the first available planting season following the practical completion of the development.

All trees scheduled for retention must be protected in accordance with the approved details and the protective measures must remain in situ until the cessation of the development works.

Thereafter the landscaping must be maintained and managed in accordance with the approved details. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the landscaping scheme shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, and Q7 and Parts 12 and 16 of the NPPF.

6. The development hereby approved must be undertaken and subsequently occupied and managed in full accordance with the approved Durham County Council HQ Operational Procedures Flood Risk Management Plan 70054666-FRMP01 February 2020 Revision 5 received 18 February 2020.

Reason: To prevent the increased risk of flooding, both on and off site for the lifetime of the development as defined in paragraph 102 and 103 of the National Planning Policy Framework.

7. No lighting to serve the roof terrace space hereby approved shall be erected or installed until full details of said lighting has been first submitted to and approved in writing by the Local Planning Authority. The approved lighting details must include locations and design of all lighting proposed and must include details of the light spillages from the light sources. The lighting must threafter be installed/erected in accordance with the approved details.

The remaining lighting proposals of the development must be undertaken in accordance with the following approved details

Exterior Lighting Assessment 1661-63-RPT-01 Issue no. 7 received 22 January 2020
Internal Blind Schedule DHQ-RYD-00-ZZ-DR-A-8902 Rev P3

Reason: To minimise the visual impacts of the lighting and potential impacts upon protected species and to preserve nature conservation interests in accordance with Policies E3, E6, E16, E18, E22, E23 of the City of Durham Local Plan and Parts 15 and 16 of the NPPF.

8. No Combined Heat & Power (CHP), biomass or boiler plant shall be installed until;

i) an air quality impact assessment (AQA) has been submitted to and approved in writing by the Local Planning Authority detailing their potential impacts upon air quality and as necessary any mitigation measures. The CHP, biomass or boiler plant must thereafter be installed/implemented in accordance with the approved AQA.

or

ii) a screening exercise has been undertaken, submitted to and agreed in writing by the Local Planning Authority which indicates that the air quality impacts of the CHP, biomass or boiler plant are below the thresholds requiring the submission of the AQA referred to in i)

Reason: In the interest of reducing impacts upon air quality having regards to CDLP Policy U5 and Part 15 of the NPPF.

9. No development relating to the installation of any operational phase plant shall take place until a detailed noise impact assessment and scheme of sound attenuation measures associated with this operational phase plant has been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from the plant on the site shall not exceed a rating level of 39 LAeq (1 hour) between 07.00- 23.00 and 27dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Within 28 days of operation of the plant/machinery a validation report, demonstrating adherence with the above rating levels, shall be submitted in writing to the local planning authority.

Reason: In the interests of the amenity of the area having regards to CDLP Policy U5 and Part 15 of the NPPF.

10. No development relating to the installation of any operational phase plant, extraction or ventilation equipment shall take place until full details of the location and design of any plant, extraction and ventilation equipment including any housing or means of enclosures has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area having regards to CDLP Policy U5 and Part 15 of the NPPF.

11. Prior to the erection of any cycle parking shelter, smoking shelter, gas kiosk or bin store full details of their precise design, appearance and location shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23 and Q7 and Parts 12 and 16 of the NPPF.

12. Prior to the occupation of the building a final Travel Plan comprising immediate, continuing or long term measure to promote and encourage alternatives to single occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development. The Approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the approved details.

Reason: In the interests of promoting sustainable travel options and reducing potential impacts upon air quality having regards to Parts 9 and 15 of the NPPF.

13. On the land of the proposed HQ building itself, prior to the occupation of the building/building being brought into use a completed Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works undertaken (the Phase 3 Remediation Strategies as contained within the Dunelm Geotechnical and Environmental Ltd. (08.10.2018) Remediation Strategy for land at The Sands, Durham, Prepared for Durham County Council, Report No. D8633/RS) must have first been submitted to and approved in writing by the Local Planning Authority. If integrity testing of the membrane(s) was required a verification pro forma should be included within the submission.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with City of Durham Local Plan Policies U9, U11 and U12 and NPPF Part 15.

14. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment Addendum by WSP 70054666-ADDFRA01 January 2019 and Flood Risk Assessment and

Drainage Strategy by 3E P17-110-3E-ZZ-XX-DR-C-9000 July 2018 (where sections have not been superseded by the WSP Addendum) both contained within Environmental Statement Volume 2 Appendix 8-1. This must include adherence to the following mitigation measures detailed:

- Finished floor levels shall be set no lower than 33.2m above Ordnance Datum (AOD)
- Subfloor flood storage voids shall be provided

Reason: To prevent the increased risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided having regards to paragraphs 102 and 103 of the NPPF.

15. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

Exceptionally, and in addition to the aforementioned standard construction working requirements, works to erect and dismantle a tower crane are also permitted to occur between the hours of 0800 to 1700 over two Saturdays and Sundays during 2020 and works to erect the structural feature colonnade columns are also permitted to occur between the hours of 0800 to 1700 over a single Saturday and single Sunday during 2020.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 15 of the NPPF.

16. Within 6 months of the occupation of the HQ building, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must include details of the timescales for the installation/completion of the agreed public art scheme.

Reason: In interests of good design, in accordance with Policy Q15 of the City of Durham Local Plan 2004 and Part 12 of the NPPF.

17. The Multi Storey Car Park (inclusive of the 16 surface level car parking spaces immediately adjacent) hereby approved must be implemented and then managed at all times (save for any incidences of unavoidable essential maintenance to the spaces) so as to include a minimum of 136 parking spaces which are allocated/dedicated for short stay parking use only.

Reason: In order to manage the Multi Storey Car Park so that it incorporates an appropriate balance of long stay and short stay parking availability in the interests of providing the appropriate mix of parking spaces having regards to the need to maintain City Centre vitality and viability and having regards to City of Durham Local Plan Policies T11, T12 and CC1 and Part 9 of the NPPF.

18. The Multi Storey Car Park (inclusive of the 16 surface level car parking spaces immediately adjacent) hereby approved shall not be occupied/brought into use until a car park management plan has been first submitted to and then approved in writing by the Local Planning Authority. The car park management plan must provide details on measures proposed to reserve, allocate or otherwise manage and control the use of the parking spaces. The Multi Storey Car Park must thereafter be operated in accordance with the approved car park management plan.

Reason: In order to define the management of the Multi Storey Car Park spaces in the. interests of ensuring its proper functioning and also in the interests of highway safety having regards to City of Durham Local Plan Policies T1 and T11 and Part 9 of the NPPF.

19. The roof terrace space hereby approved shall not be used or occupied outside of the hours of 7am to 11pm except in an incidence where access is needed for essential maintenance purposes.

Reason: To limit the potential noise impact of occupation of the roof terrace in the interests of residential amenity having regards to City of Durham Local Plan Policy U5 and Part 15 of the NPPF.

20. The occupancy level of the roof terrace space hereby approved shall be limited to no more than 163 persons.

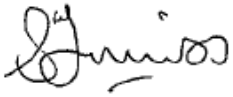
Reason: To limit the potential noise impact of the occupation of the roof terrace in the interests of residential amenity and to ensure that the development is undertaken in accordance with the conclusion drawn under the submitted Noise and Vibration Assessment - Section 73 Addendum for PV Cells and Roof Terrace having regards to City of Durham Local Plan Policy U5 and Part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

1. In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

SIGNATURE

Signed: Date: 22 June 2020



S Timmiss
Head of Development and Housing

IMPORTANT NOTICE

THIS PERMISSION IS NOT VALID UNLESS THE CONDITIONS LISTED ARE COMPLIED WITH

NOTES TO APPLICANT

Further Information

This certificate is issued under the Town and Country Planning Acts and Orders and does not constitute a permission, approval or consent for any other purpose. Applications must therefore be made for any other permission, approval or consent (including Building Regulations approval or the approval of the Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.

Further approval of this local planning authority must be obtained for any subsequent alterations to the approved plans.

Appeals to the Secretary of State

* If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

* If you want to appeal, then you must do so within three months of the date of this notice, using a form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 0303 444 5000, www.planning-inspectorate.gov.uk.

* The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

* The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

* In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notice

* If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

* In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

* In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

* These circumstances are set out in Part IV and related provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

PUBLIC RIGHTS OF WAY

This planning permission does not convey any rights to stop up, divert, obstruct or otherwise effect public rights of way, and appropriate orders must be sought for these purposes before any development starts.

The Definitive Map of Public Rights of Way can be viewed at www.durham.gov.uk

Regeneration and Economic Development
Durham County Council
Planning Development (Strategic)
Room 4/123-128, County Hall, Durham DH1 5UL Main
Telephone: 03000 262 830

22 June 2020

Dear Sir/Madam

Providing your Views

Durham County Council wants to provide an effective and responsive Planning Development Management Service and we can only do this with the help of our customers.

You recently made a planning application to the Council and we would like to know what you thought about the quality of the service provided.

We would be grateful therefore if you could take a little time to complete our survey. There is a link to this below and it should take no more than a few minutes to do. The survey is anonymous and will only be used to monitor and review the service we provide.

https://www.surveymonkey.com/s/DCC_Planning_Service

If you have any problems accessing the survey link or would like a copy in paper format, please contact us direct on: **03000 262 830** or via email: planning@durham.gov.uk

If you are a regular user of the service and have recently completed the survey it is also appreciated that you may not wish to repeat the process.

Thank you for your help and co-operation.

Yours faithfully

Stephen Reed
Head of Development Management

Regeneration and Local Services
Durham County Council
Planning Development (Strategic)
Room 4/123-128, County Hall, Durham DH1 5UL Main
Telephone: 03000 262 830

NOTIFICATION OF COMMENCEMENT OF DEVELOPMENT

Planning Reference: DM/20/00702/VOC
Address of Works: The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ
Case Officer: Henry Jones

I confirm that the above development will begin on site on: _____

and end approximately on: _____

Name (please print) _____

Signed: _____ Date: _____

Contact Tel No: _____

Submission of this notice will allow us to help you by monitoring your development effectively. Please return it at least 2 weeks before work begins on site to planning@durham.gov.uk or the address above.

IMPORTANT INFORMATION

There may be a number of conditions attached to your planning permission. Please read this carefully and note those details which require the approval of Durham County Council before your development begins on site. It is particularly important that these conditions are fully complied with as failure to do so may have the effect of invalidating your planning permission. The approval of a further planning application would then be necessary in order for you to proceed with the development.

Once the development has commenced the Monitoring and Enforcement Officer may inspect the site to ensure that the requirements of all conditions are fully met and that your approved plans are being precisely followed. In the event of any non-compliance Durham County Council will consider the taking of enforcement action to remedy the situation.

Thank you for your co-operation

The use of this data by the recipient acts as an agreement of the following statements. Do not use this data if you do not agree with any of the following statements:-

All drawings are based upon site information supplied by third parties and as such their accuracy cannot be guaranteed. All features are approximate and subject to clarification by a detailed topographical survey, statutory service enquiries and confirmation of the legal boundaries.

The controlled version of this drawing should be viewed in DWF or PDF format not DWG or other formats. All prints of this drawing must be made in full colour.

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Do not scale the drawing. Use figured dimensions in all cases. Check all dimensions on site. Report any discrepancies in writing to Ryder before proceeding.



N

Scale (m)

0 5 10 20 60

Application Site Boundary

Revision	Date	Drawn by	Checked by
P4	02/08/2018	MBRI	EWE

Issued for planning

Amendment

Status
Issued for Information

Project
Durham County Council
Council HQ
Durham

Drawing
Site Location Plan

1v

Drawing No. Project ID	Originator	Zone Level	Type Role	Number
DHQ	- RYD	-00-	ZZ- DR-	A-0002

Ryder Project No.	Scale at A3	Drawn By	Status	Revision
3178-00	1 : 1250	LHO	S2	P4

info@ryderarchitecture.com
www.ryderarchitecture.com
Ryder

50

Site Location Plan

1 : 1250

Contact: Henry Jones
Direct Tel: 03000 263960
email: henry.jones@durham.gov.uk
Your ref:
Our ref: DM/19/01100/TCA

Olivers Tree Services
Mr David Oliver
Unit 3
Langley Park North Industrial Estate
Witton Gilbert
Durham
DH7 6TX

5th April 2019

Dear Sir/Madam

Town and Country Planning Act 1990

Proposed	Fell trees T1-T32, T34-T45, T52-T56, T58-T70, T73, T75, T76, fell tree groups G49 (except T50 and T51), G77, G33, G46, G57 and prune and cut back overhanging branches on southern side of G47 by 5m
At	The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ
For	Kier Property Developments Ltd

Further to your letter received on 2 April 2019 giving us notice that you propose to carry out the above tree work I can confirm that the Council have raised no objection to the above proposed works.

Please note that the work must be undertaken within two years from 5 April 2019. All tree works should be carried out in accordance with current best practice BS3998:2010 “Recommendations for Tree Works”.

Informatives

Bats, Nesting Birds and Trees

Bats and nesting birds are protected under the Wildlife and Countryside Act (1981) and the Conservation (Natural Habitats) Regulations (2007). It is an offence to deliberately capture, injure, disturb or kill bats or damage or destroy a roost or habitat. Therefore close inspection of trees should be undertaken for bats and their roosts, and nests prior to the commencement of any works. This should include any crevices, holes or cracks, especially trunks on large and old trees. If bird nests are evident works to trees should be avoided during the bird nesting season (March-September). If bats are found work should cease until advice has been obtained from Natural England who can be contacted on Tel. no. 0191 229 5500. Information and advice is also available from the National Bat helpline on 0845 1300228.

Bats

All UK bats and their roosts are protected by law. The legislation protecting bats are:

- The Wildlife And Countryside Act 1981 (WCA) as amended.
- Conservation of Habitats and Species Regulations 2010

For all countries of the UK, the legal protection for bats and their roosts may be summarised as follows:

You will be committing a criminal offence if you:

1. Deliberately* capture, injure or kill a bat
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
3. Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
4. Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat
5. Intentionally or recklessly obstruct access to a bat roost

*In a court, 'deliberately' will probably be interpreted as someone who, although not intending to capture/injure or kill a bat, performed the relevant action, being sufficiently informed and aware of the consequence his/her action will most likely have.)

Penalties on conviction - the maximum fine is £5,000 per incident or per bat (some roosts contain several hundred bats), up to six months in prison, and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

When carrying out tree works it is essential that the contractor or other competent person carries out a specific ‘bats in trees risk assessment’ which can be obtained from the ‘Arboricultural Association’ or the ‘Bat Conservation Trust’ (BCT).

If evidence of bats is found work must stop immediately and Natural England Bat line contacted 0845 1300 228. A further inspection may well be required by a licensed bat handler or roost visitor.

Birds

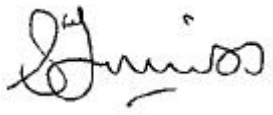
In the UK, all wild birds, their nests and their eggs are protected by law.

In England, Scotland and Wales the legislation that protects wild birds is:
- The Wildlife and Countryside Act 1981
- The Countryside (or CRoW) Act 2000

As with bats the contractor has an obligation to carry out visual checks prior to works. Where possible tree works should be carried out in the period from August to the end of February in order to avoid the bird nesting season.

If you would like any further information about this letter or our procedures, please contact the case officer, quoting the reference number given above.

Yours sincerely



S Timmiss
Head of Development and Housing

ethos
Environmental Planning

Durham County Council
Open Space Needs Assessment
2018

Durham County Council

Part 1 of 2: Main Report

Ecology | Green Space | Community | GIS
Studio 12a | Greenway Farm | Wick | BS30 5RL
info@ethosep.co.uk | 0333 0112854
www.ethosep.co.uk

5.1.2 Amenity Green Space





The category is considered to include those spaces (minimum 0.20 ha in size) open to free and spontaneous use by the public, but neither laid out nor managed for a specific function such as a park, public playing field or recreation ground; nor managed as a natural or semi-natural habitat. These areas of open space will be of varied size, but are likely to share the following characteristics:

- Unlikely to be physically demarcated by walls or fences.
- Predominantly lain down to (mown) grass.
- Unlikely to have identifiable entrance points (unlike parks).
- They may have shrub and tree planting, and occasionally formal planted flower beds.
- They may occasionally have other recreational facilities and fixtures (such as play equipment or ball courts).

Examples might include both small and larger informal grassed areas in housing estates and general recreation spaces. They can serve a variety of functions dependent on their size, shape, location and topography. Some may be used for informal recreation activities, whilst others by themselves, or else collectively, contribute to the overall visual amenity of an area.

It should be noted that amenity green spaces smaller than 0.20 ha and amenity roadside verges were not included within the analysis for this typology, as it is considered that these

sites will have limited recreation function and therefore should not count towards open space provision (see section 5.1.9 below).

5.1.5 Natural Green Space





For the purpose of this assessment, natural and semi-natural green space covers a variety of partly or wholly accessible spaces including meadows, woodland and copses all of which share a trait of having natural characteristics and wildlife value, but which are also open to public use and enjoyment.

Research elsewhere (Natural England) has identified the value attached to such space for recreation and emotional well-being. A sense of 'closeness to nature' with its attendant benefits for people is something that is all too easily lost in urban areas. Natural Green spaces can make important contributions towards local Biodiversity Action Plan targets and can also raise awareness of biodiversity values and issues.

Some sites will have statutory rights or permissive codes allowing the public to wander in these sites. Others may have defined Rights of Way or permissive routes running through them. For the remainder of sites there may be some access on a managed basis.

Natural Green Spaces can form important 'green corridors' for both wildlife and people, especially when linked with the public rights of way network, cycle paths and rivers etc. These spaces form an important part of the Green Infrastructure of an area, and can be important in delivering ecosystem services and attracting visitors across administrative boundaries.

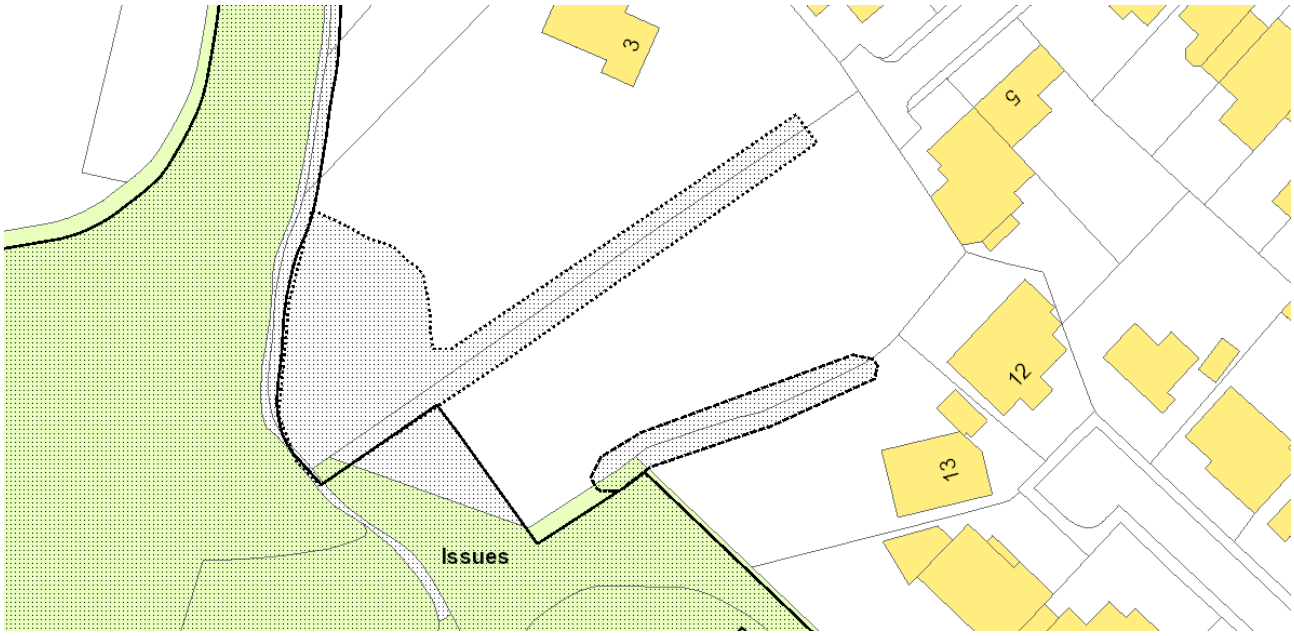
In County Durham there is a huge natural green space resource and understanding access to each and every site is a vast challenge beyond the scope of this assessment. The assessment has found that access to a site varies greatly, in some cases public access is secure and obvious, other sites are accessible via the rights of way network, whilst some sites appear

private but have obvious informal unarranged access, and in some cases access is completely unclear. To make sense of this, and considering there are over 600 sites that fall into these categories, the following system has been applied to classify a site as 'accessible natural green space', drawing on the base data provided by the council:

- Local nature reserves are included;
- Countryside Estates are included;
- Woodland Trust Sites are included;
- National Nature Reserves are included;
- Local Wildlife Sites which have rights of way in them are included (those with no rights of way are mapped as having limited/no access);
- Sites which were included in the original OSNA as natural green space have been assessed on an individual basis.

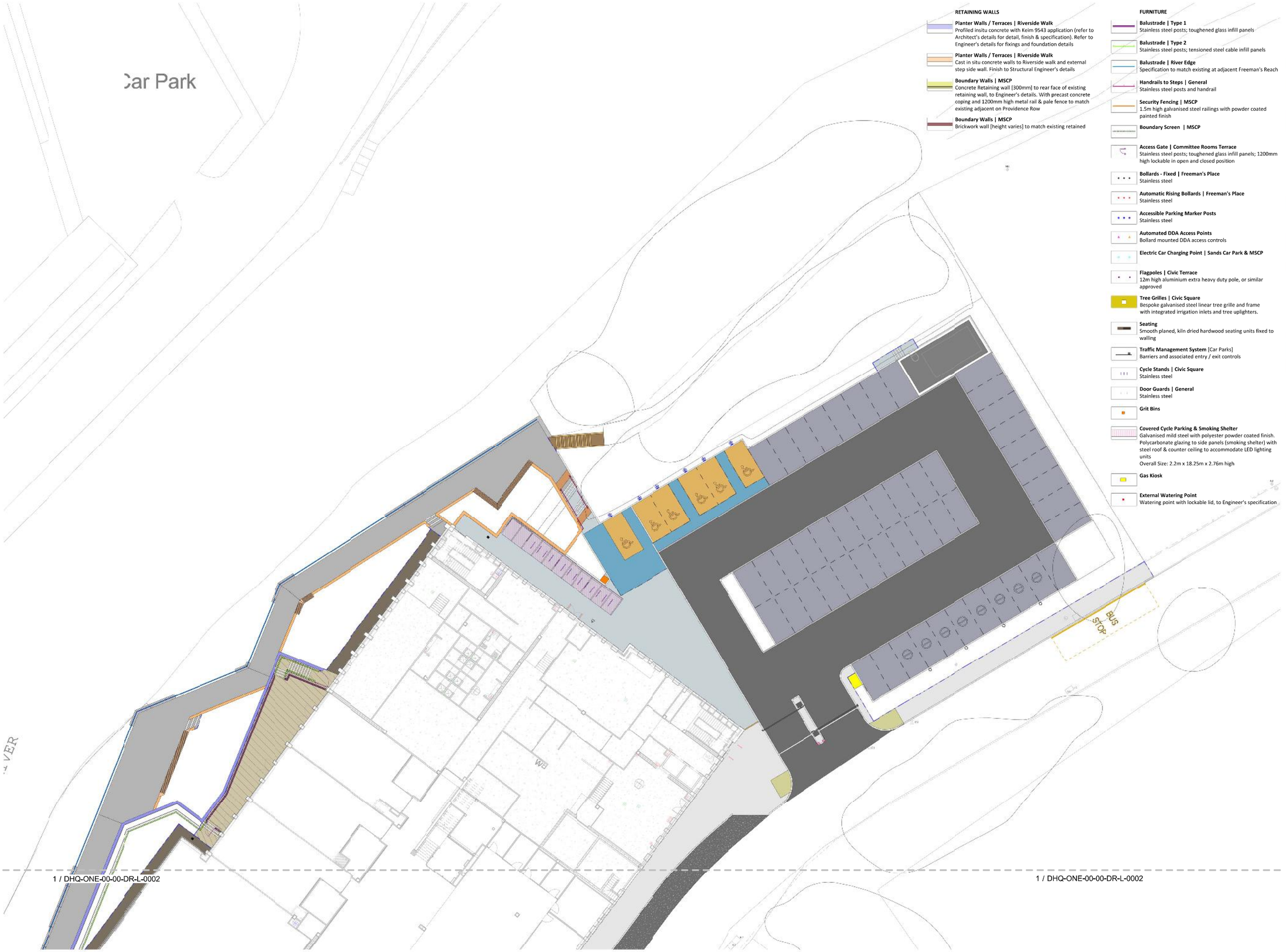
It is also recognised that some of these sites, although considered to have some form of access, may be sensitive in terms of their ecological value at a local, regional or international level. Whilst these sites may be included in the assessment, there may be sites which require special management or intervention, which may restrict access arrangements in the future, and this will be reflected in relevant policy recommendations (section 8 of this report).

Tree Preservation Order (TPO) (PN1-310 Flass Vale) at Land south west of Flassburn Road



Extent of trees covered by TPO PN1-310

© One-Environments Ltd. This drawing is not to be scaled. All dimensions to be verified on site prior to commencement of works. Discrepancies, ambiguities and/or omissions between this drawing & information supplied by others must be reported immediately for clarification before proceeding.



0 2 4 8
metres 1:200

RETAINING WALLS

Planter Walls / Terraces | Riverside Walk
Profiled insitu concrete with Keim 9543 application (refer to Architect's details for detail, finish & specification). Refer to Engineer's details for fixings and foundation details

Planter Walls / Terraces | Riverside Walk
Cast in situ concrete walls to Riverside walk and external step side wall. Finish to Structural Engineer's details

Boundary Walls | MSCP
Concrete Retaining wall [300mm] to rear face of existing retaining wall, to Engineer's details. With precast concrete coping and 1200mm high metal rail & pale fence to match existing adjacent on Providence Row

Boundary Walls | MSCP
Brickwork wall [height varies] to match existing retained

FURNITURE

Balustrade | Type 1
Stainless steel posts; toughened glass infill panels

Balustrade | Type 2
Stainless steel posts; tensioned steel cable infill panels

Balustrade | River Edge
Specification to match existing at adjacent Freeman's Reach

Handrails to Steps | General
Stainless steel posts and handrail

Security Fencing | MSCP
1.5m high galvanised steel railings with powder coated painted finish

Boundary Screen | MSCP

Access Gate | Committee Rooms Terrace
Stainless steel posts; toughened glass infill panels; 1200mm high lockable in open and closed position

Bollards - Fixed | Freeman's Place
Stainless steel

Automatic Rising Bollards | Freeman's Place
Stainless steel

Accessible Parking Marker Posts
Stainless steel

Automated DDA Access Points
Bollard mounted DDA access controls

Electric Car Charging Point | Sands Car Park & MSCP

Flagpoles | Civic Terrace
12m high aluminium extra heavy duty pole, or similar approved

Tree Grilles | Civic Square
Bespoke galvanised steel linear tree grille and frame with integrated irrigation inlets and tree uplighters.

Seating
Smooth planed, kiln dried hardwood seating units fixed to walling

Traffic Management System [Car Parks]
Barriers and associated entry / exit controls

Cycle Stands | Civic Square
Stainless steel

Door Guards | General
Stainless steel

Grit Bins

Covered Cycle Parking & Smoking Shelter
Galvanised mild steel with polyester powder coated finish. Polycarbonate glazing to side panels (smoking shelter) with steel roof & counter ceiling to accommodate LED lighting units
Overall Size: 2.2m x 18.25m x 2.76m high

Gas Kiosk

External Watering Point
Watering point with lockable lid, to Engineer's specification

HARDWORKS

Stone Paving Type 1 | Civic Square
Yorkstone paving

Stone Paving Type 2 | Civic Square
Yorkstone paving

Stone Paving Type 3 | Civic Square
Whinstone setts. Finish: Flamed; diamond sawn sides.

Stone Paving Type 4 | Civic Square [Terrace]
Yorkstone paving

Hazard Warning Paving | Civic Square
Sandstone hazard warning paving flags

Steps | Civic Square
Stone step units

Concrete Paving Mix 1 | Riverside Walk
Concrete block paving mix

Hazard Warning Paving | Riverside Walk
Concrete hazard warning paving flags

Step Units Type 1 | Riverside Walk
Precast Concrete Step Units

Step Units Type 2 | Riverside Walk
Landscape Grade new oak railway sleepers or equivalent.

Compacted Whindust Surfacing | Riverside Walk
6mm whinstone aggregate to dust.

Concrete Paving Mix 2 | Car Park Approach
Concrete block paving mix

Concrete Paving Mix 3 | Freeman's Place
Concrete flag paving

Permeable Concrete Paving Mix 4 | Members Car Park
Permeable concrete block paving to parking bays

Concrete Paving Mix 5 | Members Car Park
Concrete block paving to parking bays

Concrete Paving Mix 6 | Members Car Park
Concrete block paving mix

Concrete Paving Mix 7 | Freeman's Pl. & Providence Row
Precast concrete flag paving to DCC Highways Specification.

Tactile Blister Paving | Freeman's Place
Concrete tactile blister paving flags

Asphalt Concrete [Vehicular Specification]
Asphalt concrete vehicular grade surfacing

Hot Rolled Asphalt [Adoptable Parking Bays]
Hot Rolled Asphalt vehicular grade surfacing

Gravel Maintenance Edge

description	rev	by	chk	date
Retaining wall specification and finishes updated.	P12	AB	JB	18/03/20
Members car park exit aisle width increased to alleviate tracking concerns. Accessible parking provision to members car park update to include WAV bay	P11	AB	JB	15/02/19
Demountable / temporary flood defence barrier added. Planting bed added to corner of Café Terrace. Position of bollards south of building relocated. Re-alignment of Riverside Walk planter walls. Planting trough & safety barrier added to Council Chamber planter. Re-alignment of River Edge. Gravel maintenance path / emergency escape route from Committee Rooms Terrace added. Footpath re-surfacing through woodland to The Sands omitted. Member's car park access re-positioned. Permeable concrete block paving added to standard bays to members car park. Non-permeable concrete block paving added to accessible parking bays. Paving mixes amended to pedestrian and shared surface areas to north of building. Tactile blister paving added to pedestrian crossings at member's car park and MSCP. Litter bins omitted.				
External watering points added.	P10	AB	JB	18/01/19
River edge re-aligned and planter walls adjusted to Riverside Walk. Smoking & cycle shelter rationalised. Member's car park re-aligned, and gas kiosk added to entrance.	P09	AB	JB	15/01/19
Terrace walls to Riverside Walk updated following profile refinement. Cafe Terrace updated further to building update. Car park adjacent main building moved North, Spinkler tank area added.	P08	AB	JB	25/07/18
Main site kerb line adjusted to existing alignment. Bus stop added to Freeman's Place. Replacement steps indicated to Riverside Walk, timber decks removed.				
Terrace maintenance access amended.	P07	JB	JB	18/06/18
Smoking and covered cycle shelters added	P06	AB	JB	29/05/18

client: Kier Property

project: Durham County Council Headquarters

drawing title: Hardworks General Arrangement [Sheet 2 of 2 - North]

status: **PLANNING**

drawing no.: N628-ONE-ZZ-XX-DR-L-0003 revision: P12

drawn by: AB date: 31/07/17 scale: As indicated @ A1

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0 2 4 8 metres 1:200

	Tree Planting						
Code	Species	Height	Clear Stem	Form	Girth	Root	Number
ACK	Acer platanoides 'Crimson King'	5.0-7.0m	2.0m	semi mature	25-30cm	RB	2
Ag	Alnus glutinosa	5.0-6.5m	2.0m	semi mature	20-25cm	RB	3
Alam	Amelanchier lamarckii	3.0-3.5m	-	multi stem	-	RB	1
Bp	Betula pubescens	5.0-6.5m	2.0m	semi mature	20-25cm	RB	4
Ca	Corylus avellana	4.0-4.5m	-	multi stem	-	RB	3
Ptrem	Populus tremula	5.0-6.5m	2.0m	semi mature	20-25cm	RB	2
PT	Prunus serrula 'Tibetica'	4.0-4.5m		multi stem		RB	1
Sf	Salix fragilis	4.5-5.0m	2.0m	EHS	18-20cm	RB	1
Ss	Sorbus aucuparia	4.0-5.0m	-	multi stem	-	RB	2
TG	Tilia cordata 'Greenspire'	5.0-7.0m	2.0m	semi mature	25-30cm	RB	9
	Total						**28**

	Specimen Plants				
Code	Species	Height	Root	Container	Number
Al	Anemanthele lessoniana	-	C	10L	5
MB	Buddleja davidii 'Border Beauty'	60-80cm	C	10l	6
CKF	Calamagrostis acutiflora 'Karl Foerster'	-	C	10L	4
Fj	Fatsia japonica	80-100cm	C	15L	7
HMB	Hebe 'Midsummer Beauty'	40-60cm	C	10L	11
Sl	Salix lanata	40-60cm	C	10L	5
	Total				**40**

	Feature Hedges					
Code	Species	Height	Density	Root	Container	Number
Cl	Griselinia littoralis	40-60cm: single row	4/m	C	5L	82
Ic	Ilex crenata	30cm: instant hedge: single row	1 trough/m	C	1m trough	6
LL	Lavandula angustifolia 'Little Lady'	20-30cm: single row	7/m	C	5L	127
VEP	Viburnum tinus 'Eve Price'	40-60cm: single row	4/m	C	5L	54
	Total					**259**

	Hedge Mix						
Code	Species	Height	Form	Root	Container	% Mix	Number
Bs	Buxus sempervirens	60-80cm	-	RB	-	10	68
Cb	Carpinus betulus	120-150cm	1+1	BR	-	30	204
Fm	Fuchsia magellanica	40-60cm		C	5l	10	141
Hl	Hedera helix 'Hibernica'	40-60cm dia	-	C	2L	10	93
Lo	Ligustrum ovalifolium	60-90cm	3+1	BR	-	20	136
Vo	Viburnum opulus	90-120cm	1+1	BR	-	20	136
	Total					**100**	**776**
	Planted at 4/m2, random mix						

	Bulbs		
Code	Species	Root	Number
Gr	Galanthus nivalis	Bulb	2400
Ire-s	Ilyocinthoides non-scripta	Bulb	3960
Np	Narcissus pseudonarcissus	Bulb	2520
	Total		**8880**

Legend

- Existing retained tree/ tree group canopy
- Proposed tree
- Hedge Planting [over minimum depth 450mm approved quality topsoil on min. 300mm cultivated sub-soil, in accordance with specification in accordance with specification]
- Ornamental mix planting [over minimum depth 450mm approved quality topsoil on min. 300mm cultivated sub-soil, in accordance with specification in accordance with specification]
- Wildflower grass seed mix [EW1] [over subsoil cultivated to minimum 300mm in accordance with specification]
- Native bulb planting



	Shrubs/Perennials				
Code	Species	Density	Root	Container	Number
Am	Astrantia major	9/m2	C	2L	114
BL	Briza media 'Limouzi'	9/m2	C	2L	111
BJF	Brunnera macrophylla 'Jack Frost'	6/m2	C	2l	72
Cn	Centaurea nigra	9/m2	C	2L	183
CZ	Coreopsis verticillata 'Zagreb'	9/m2	C	2L	183
Da	Dryopteris affinis	6/m2	C	2L	72
ERG	Echinacea purpurea 'Ruby Giant'	9/m2	C	2L	162
Fe	Euphorbia polychroma	9/m2	C	2l	111
Hv	Heuchera villosa	9/m2	C	2L	183
Iu	Iris unguicularis	9/m2	C	2L	162
LBB	Liriope 'muscari 'Big Blue'	6/m2	C	2L	144
La	Lunaria annua	9/m2	C	2L	72
LA	Lysimachia nummularia 'Aurea'	6/m2	C	1L	20
PBS	Perovskia atriplicifolia 'Blue Spire'	6/m2	C	2L	10
Pa	Persicaria amplexicaulis	6/m2	C	2l	144
Pm	Polystichum munitum	9/m2	C	2L	144
PH	Polystichum setiferum 'Herrenhausen'	6/m2	C	2l	60
Pv	Primula vulgaris	6/m2	C	2L	183
PDC	Pulmonaria 'Diana Clare'	6/m2	C	2L	72
SC	Salvia nemorosa 'Caradonna'	6/m2	C	2l	183
So	Sanguisorba officinalis	9/m2	C	2L	162
Sg	Stipa gigantea	9/m2	C	2L	111
Vb	Verbena bonariensis	9/m2	C	2L	72
VF	Veronicastrum virginicum 'Fascination'	9/m2	C	2l	111
	Total				**2859**
	Plant in single species groups in numbers as specified for each bed.				
	Plant groups to ensure an even spread of species throughout the bed.				

Rabbit Guards:
All transplants and container grown plants to be protected with tubex standard tree shelter guards supported by timber stake (or similar approved)

Shrub and Perennial Planting:
As scheduled, container grown unless otherwise specified and to be planted evenly spaced at the densities indicated, individual planting holes to incorporate fertiliser and soil ameliorant as required and to make up any deficiencies identified on site. Water all plants thoroughly immediately following planting using a fine rose sprinkler. Where agreed, supply and spread minimum 50mm thick, thoroughly composted bark or equivalent organic mulch.

Grassed Areas:
Species rich grasses areas to be Emorsgate EW1 – Woodland Mixture (or similar approved), at a rate of 4g/m².
Species selection subject to ecologist / soil assessment.
Finished levels of soil after settlement are to be 50mm above adjacent hard paved areas in all instances.

Bulbs:
Plant 100mm deep, ensuring the growing tip is upwards, base is in contact with the bottom of hole and water.
Bulbs to be of local provenance.

Generally:
Refer to the following British Standards for more detailed information:

- Recommendations for transplanting root-balled trees BS 4043
- Code of practice for general landscape operations BS4428
- Specifications for topsoil BS 3226
- Nursery Stock BS 3936 part 1.

OUTLINE PLANTING SPECIFICATION / ESTABLISHMENT
Generally:
All soft landscape operations are to be undertaken during the first available planting season, immediately following completion of all construction operations, or in accordance with any planning approval/conditions, whichever is most applicable.

All setting out of trees, shrubs, perennials and grass within new soft landscape areas shall be inspected and approved by the Landscape Architect prior to planting operations commencing.

Prior to planting, all earthworks associated with landscape operations are to be made good, levels graded to top of kerb and surrounding appropriate using approved topsoil as required.

Existing topsoiled areas to be subsoil cultivated to a minimum depth of 450mm (where services allow) prior to topsoil cultivation to a minimum depth of 350mm in all areas.

Remove all deleterious arisings from above cultivations, together with all surface debris currently on site.
In all new topsoil areas, excavate to 450mm minimum depth for planting areas, removing all excavated subsoil from site. Cultivate a further minimum 300mm to relieve compaction in all areas.

Replace above excavations with approved quality topsoil to the following minimum depths:
Grass areas - 150mm
Planting areas - 450mm

Finished levels of topsoil after settlement to be 50mm above adjacent hard paved areas in all instances.

Trees:
Excavate tree pits for trees as follows:
35-40cm trees: to accommodate the rootball
20-30cm trees: 1200mm dia x 1000mm deep
18-20cm trees: 1000mm dia x 750mm deep
Multi stem trees: 750mm dia x 600mm deep

Tree pit sizes should be increased where necessary to ensure pits are at least 300mm wider and 75mm deeper than the tree root system when fully spread.
Tree Stakes – trees to be double staked with 75mm x 1800mm pressure treated tree stakes secured to cross member with tree belt. Underground guying to trees in paved areas.

Watering:
Trees should be watered on a monthly regardless of weather conditions during the defects liability period in the growing season to ensure that the trees are encouraged to produce deep roots.
Water trees in periods of drought at the following rates:
120 litres per tree: 18-20cm trees and above
75 litres per tree: multi stem trees

Transplants:
Transplants and container grown for hedging, planted in 300mm diameter x 300mm deep prepared pits.
Backfill tree pits with approved quality topsoil and tree planting and mulching compost.

rev		date	by	chk
P08	Tree planting updated following comments from DCC	20/11/19	AB	JB
P07	Legend detail added to plan. Specification notes updated	14/08/19	AB	JB
P06	Updated further to inclusion of WAV bay to Members car park	15/02/19	AB	JB
P05	Updated further to Members car park exit aisle width increase	25/01/19	AB	JB
P04	Updated CP issue	17/12/18	AB	JB
P03	Proposals to Riverside Walk and surface car park updated	15/11/18	AB	JB
P02	Amended tree positions and species	25/09/18	ME	JB
P01	Preliminary Issue	13/09/18	ME	JB

client: KIER PROPERTY FOR DURHAM COUNTY COUNCIL
project: Durham County Council HQ
drawing title: Detailed Planting Plan (Sheet 2 - North)

status: **CONTRACTORS PROPOSALS**
drawing no.: DHQ-ONE-00-00-DR-L-0202 revision: P08
drawn by: ME date: 13/09/18 scale: 1:200 @ A1

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County Durham Landscape Character Assessment, County Durham Landscape Strategy, County Durham Landscape Value Assessment, landscape designations: extracts and plans.

COUNTY DURHAM LANDSCAPE CHARACTER ASSESSMENT

County Character Area: The Wear Lowlands

Key Characteristics

- A broad lowland valley incised by the meandering River Wear and its tributaries.
- Carboniferous coal measures of sandstones, shales and coal are overlain by thick layers of glacial boulder clays, sands and gravels.
- Gently rolling terraces of open arable and mixed farmland with low hedges and few trees or woodlands occupy much of the valley floor.
- The River Wear and its tributaries lie in steep sided wooded gorges and denes, which open up in places into broad floodplains overlooked by steep bluffs.
- Ancient oak woods are found in denes and gorges and steep floodplain bluffs.
- Parklands and wooded estates surrounding landmark castles and country houses lie along the river corridor.
- A settled landscape with the historic city of Durham at its centre and scattered 'green' villages with buildings of local sandstone with roofs of red clay pan tile or slate.
- Numerous mining or industrial towns and villages of Victorian terraced housing of brick and slate and later estate housing. Large industrial estates fringe the main settlements.
- A long-standing communications corridor carrying major roads, railways and power lines.
- Large areas of land have been opencast for coal or reclaimed from former colliery workings and their landscapes lack maturity.
- A generally broad scale landscape with panoramic views from higher ground in which Durham Cathedral is a notable landmark. In the incised valley of the River Wear the landscape is more enclosed and the scale more intimate.
- A landscape heavily influenced by urban and industrial development with a semi-rural or urban fringe character in places. Elsewhere the landscape has a strongly rural character, often of high scenic value.

Broad Landscape Type: Incised lowland Valley

Key Characteristics

- Incised valley landscape of gorges, denes, river floodplains and steep bluffs.
- Carboniferous rocks are masked by thick deposits of glacial drift.

- Sandstones, shales and thin coal seams outcrop very occasionally in gorges.
- Meandering rivers with alternating riffles and pools.
- Varied soils - alluvial soils, brown sands, and heavy clays.
- Mixed farmland - pasture on steeper ground and arable cropping on floodplains.
- Semi-regular patterns of old enclosures bounded by hawthorn hedges.
- Abundant hedgerow oak, ash, sycamore and beech.
- Heavily wooded – ancient oak woods in river gorges, denes and bluffs.
- Numerous ornamental parklands and areas of wooded estate farmland.
- Occasional older 'green villages' of stone and clay pantile.
- Landmark buildings including Durham Cathedral and Castle.
- Numerous bridges and viaducts from the ancient to the modern.
- An enclosed landscape, intimate in scale, with occasional dramatic vistas.
- A settled but tranquil rural landscape of great scenic quality and a rich cultural heritage.

Broad Character Area: Northern Wear Valley

Character

Northern Wear Valley. The River Wear lies in deep steep-sided wooded gorges, opening out in places into a broader valley with small areas of floodplain. The valley slopes are largely wooded arable farmland with frequent coniferous and broadleaved plantations, low clipped hedges and scattered hedgerow oak and ash. There are parklands and areas of heavily wooded estate farmland at Lambton Castle and Lumley Castles. The ruins of Finchale Abbey lie in the wooded gorge. Durham City lies to the south of the character area, its castle and cathedral towering above the wooded gorge which runs through the city. The large town of Chester-le Street lies to the north of the character area, its parks and playing fields spreading onto the floodplain, from where Lumley Castle is a notable landmark.

Local Landscape Type: Urban

A variable type which covers a broad range of urban development - housing, industry, retail and commerce, community facilities and public open space. The landscape character assessment does not identify variations in character within the urban landscape at any level of detail but does identify a small number of basic subtypes.

Local Landscape Sub-type: Urban

The type. Urban land including built development, gardens and public open spaces together with areas of recreational land (unless separately identified as Parks & recreation grounds local landscape type) and industrial/ commercial land (unless separately identified as Industrial and retail estates subtype).

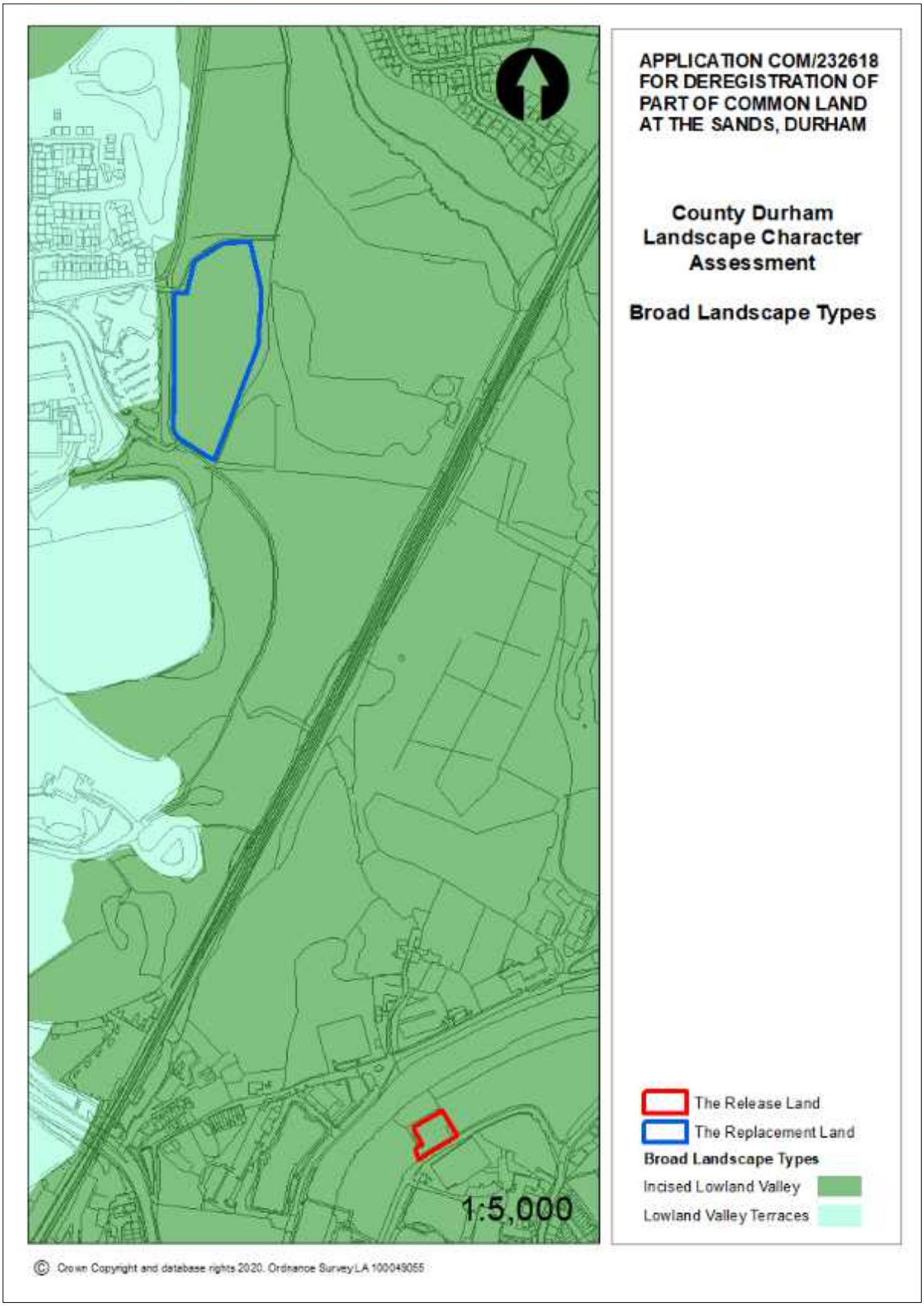
Local Landscape Type: Parks & recreation grounds

A varied type incorporating a large range of recreational landscapes.

Local Landscape Sub-type: Playing fields and urban greenspace

Open spaces of amenity grassland including sports pitches and areas of informal public open space

County Durham Landscape Character Assessment, County Durham Landscape Strategy, County Durham Landscape Value Assessment, landscape designations: extracts and plans.



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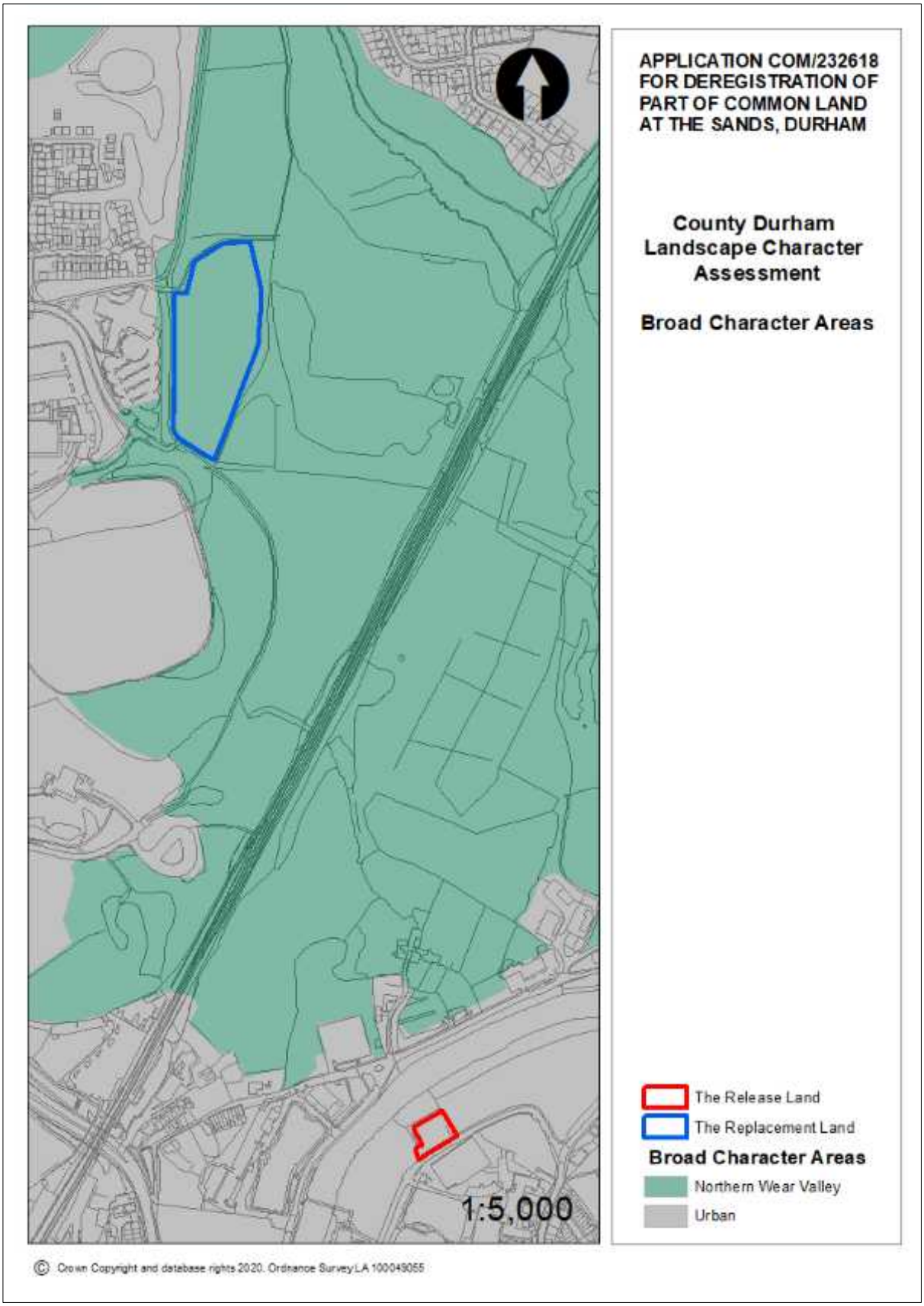

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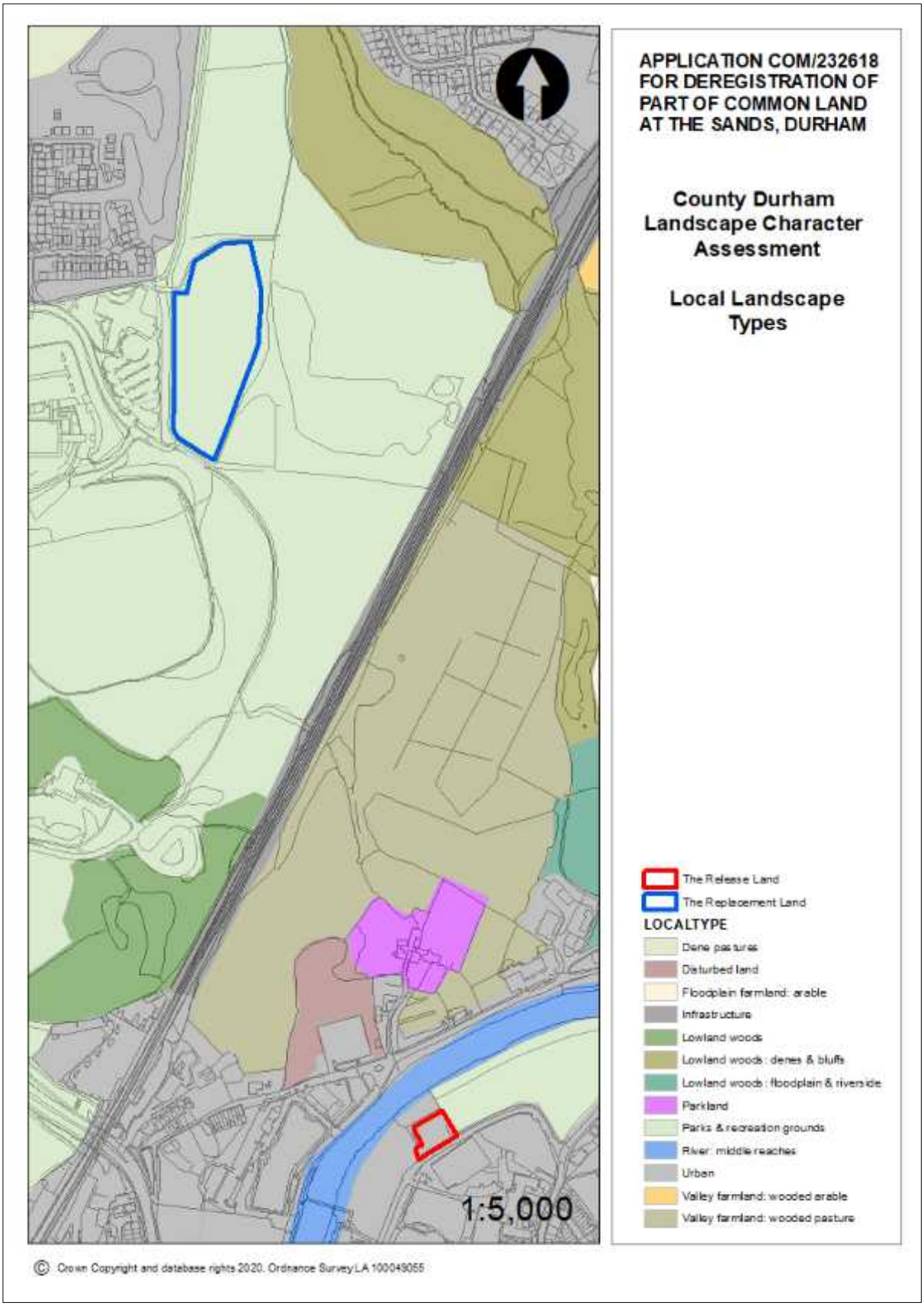

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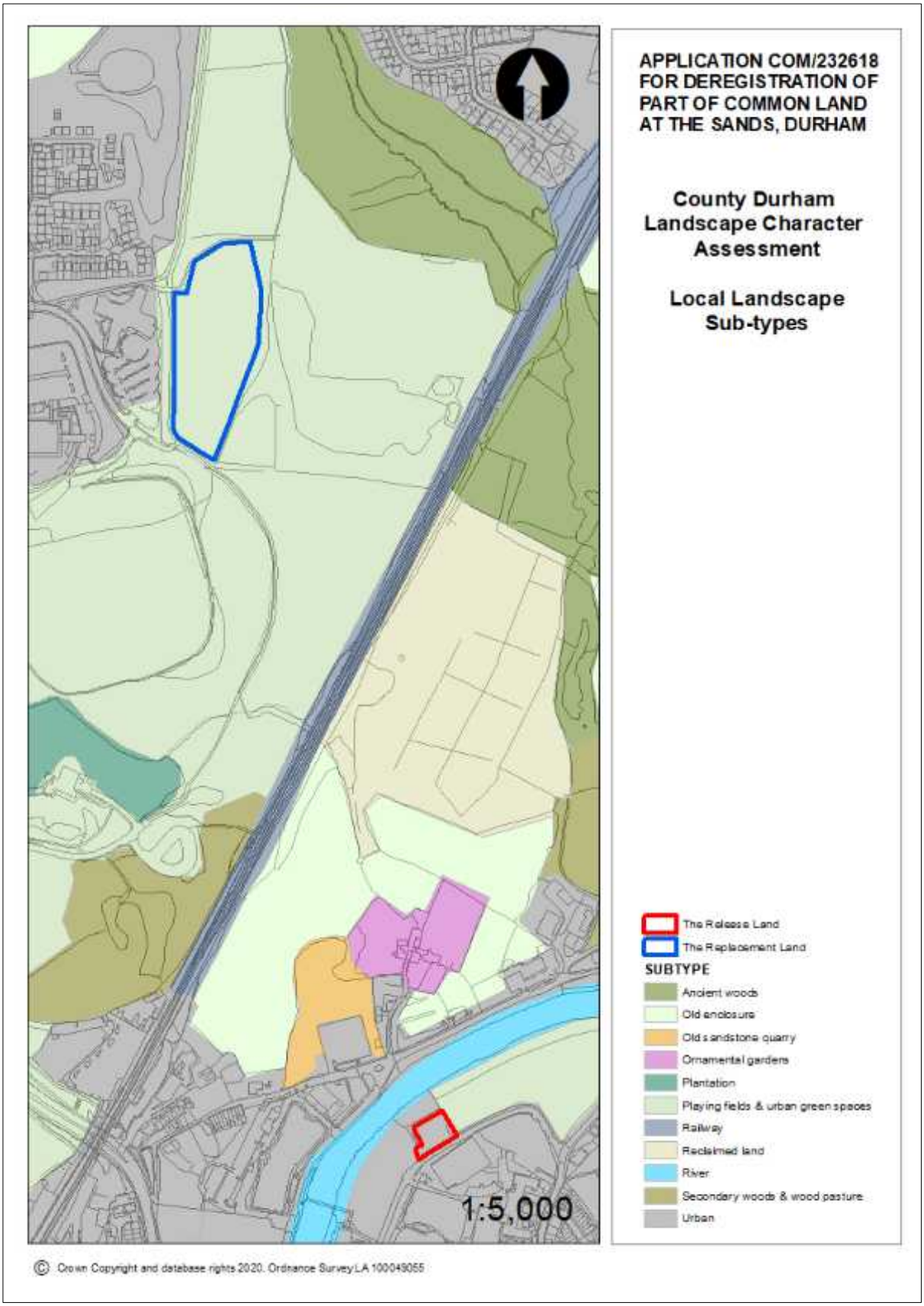

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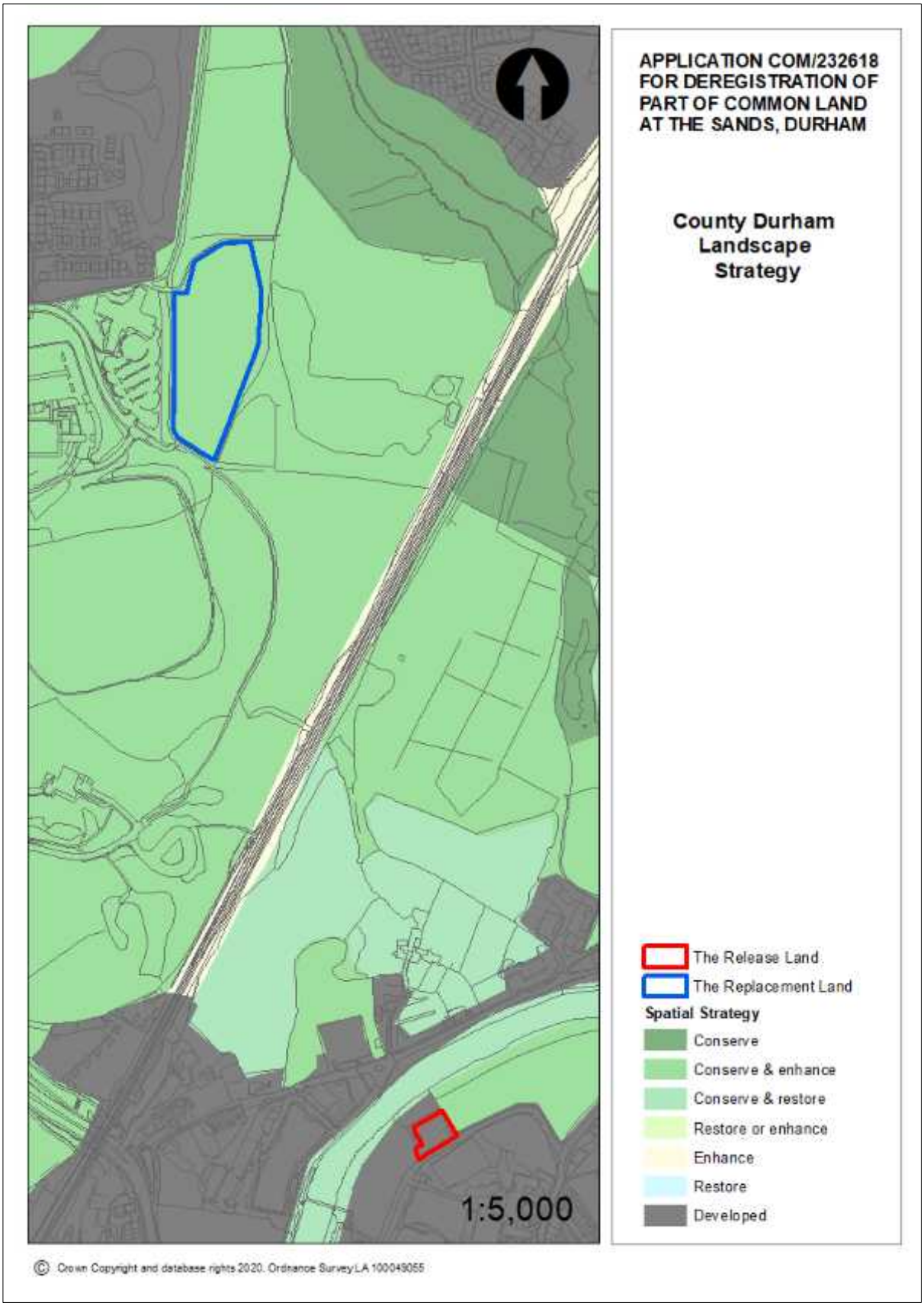

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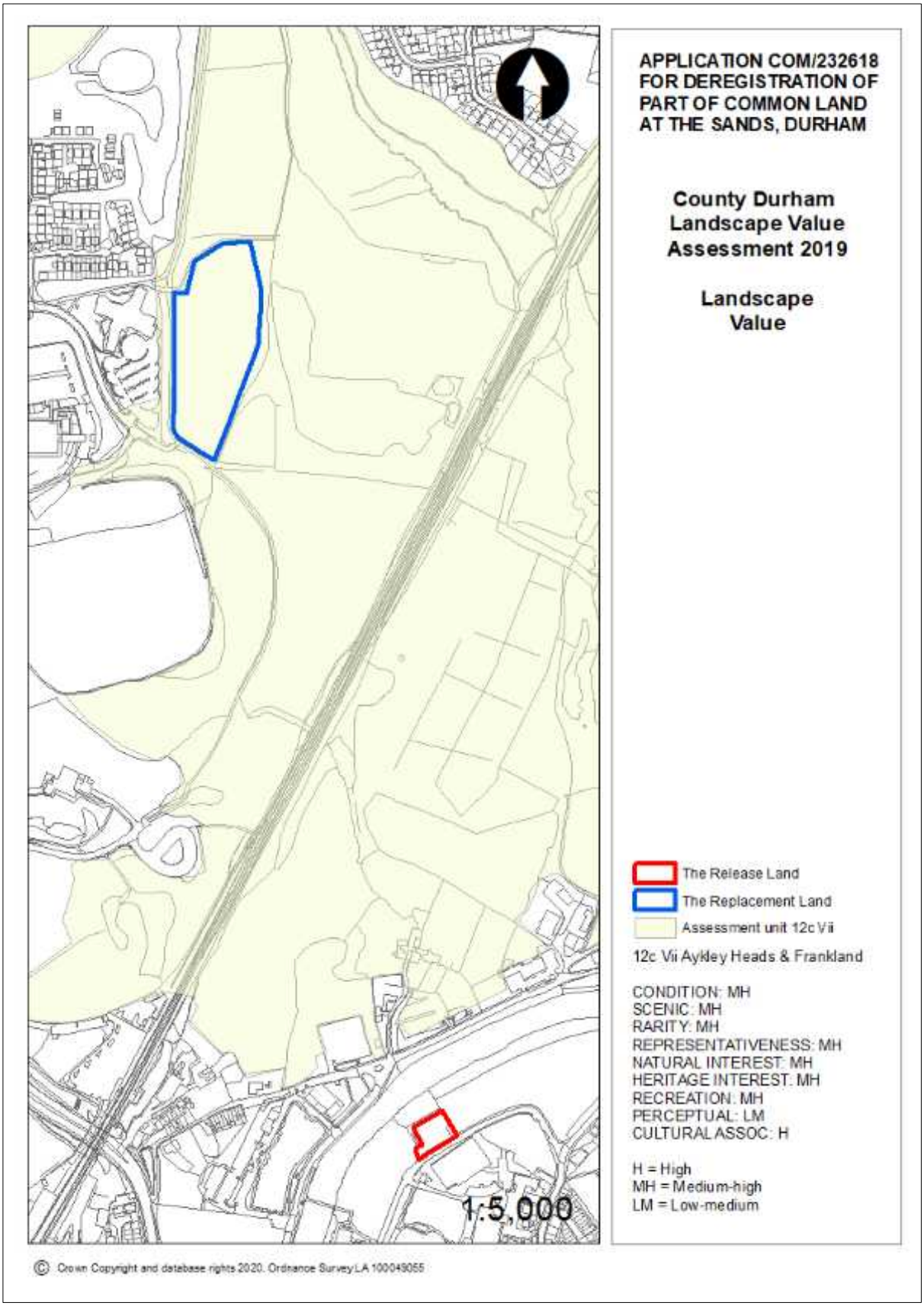

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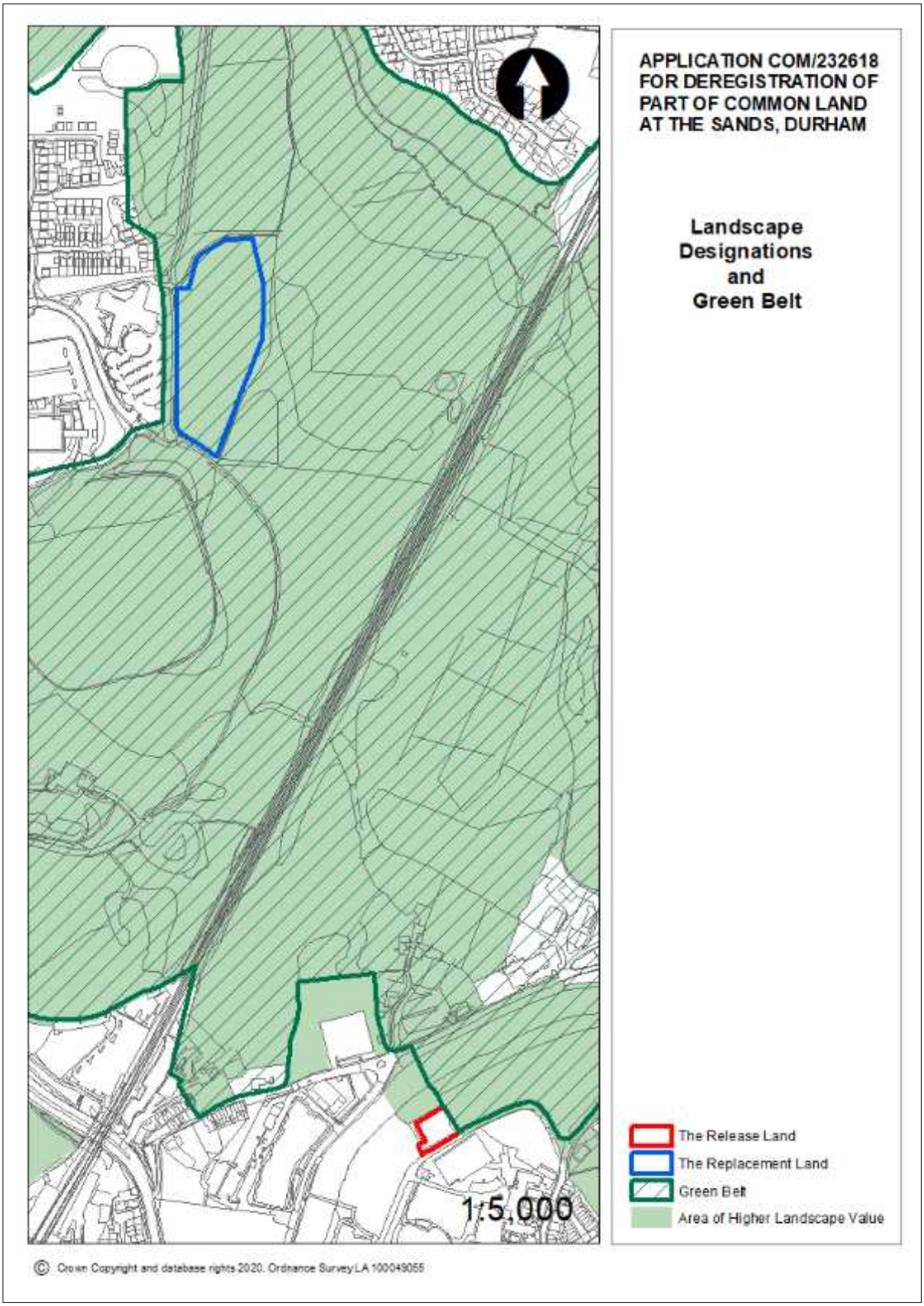

Archaeological Services
University of Durham

Land at The Sands, Durham City

geophysical survey and trial trench evaluation

on behalf of
Durham City Council

ASUD Report 1175
November 2004

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Land at The Sands, Durham City
geophysical survey and trial trench evaluation

ASUD Report 1175

November 2004

Archaeological Services University of Durham

on behalf of

Durham City Council

Byland Lodge, Hawthorn Terrace, Durham DH1 4TD

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1. Summary

The project

1.1 This report presents the results of archaeological investigations conducted on land at The Sands, Durham City, prior to the proposed construction of a temporary car park. The works comprised archaeological monitoring during excavation of geotechnical test pits, geomagnetic surveying and the archaeological excavation of trial trenches.

1.2 The works were commissioned by Durham City Council and conducted by Archaeological Services University of Durham (ASUD) in accordance with a specification provided by the Archaeology Section at Durham County Council.

Results

1.3 The investigations did not identify any features of archaeological interest. The majority of deposits encountered appeared to reflect tipping and levelling operations. The archaeological works identified the former site of a recent building and a possible cinder path, which appeared to follow the course of a 19th century track to a ford across the river.

Recommendations

1.4 No further archaeological works are recommended prior to the proposed development.

2. Project background

Location (Figure 1)

2.1 The investigations were undertaken on the western part of The Sands, located just to the north of the Durham Sixth Form College on Freeman's Place, Durham City. The site is centred on NGR NZ 2756 4300 and covers approximately 4560sqm. It is bordered on the north side by the River Wear, to the south by Freeman's Place and Providence Row and to the west by a coach park. The eastern boundary does not follow an existing boundary, but is merely an arbitrary line drawn across the open area of The Sands.

Development proposal

2.2 Durham City Council is proposing to construct a temporary car park on part of The Sands in Durham City while the next phase of the Walkergate development continues. The site work will involve reduction of the ground surface by between 200mm - 250mm in order to make the car park and associated services.

Objective

2.3 The objectives of the archaeological works were to identify, record and assess the significance of any archaeological features and deposits within the proposed development area. The results would inform the developer and the planning authority of the archaeological and historical importance of the site. This would enable decisions to be made by the planning authority regarding the impact of the proposed development on the archaeological resource.

Specification summary

2.4 The project has been undertaken in accordance with a specification supplied by the Archaeology Section at Durham County Council (Appendix I) and a methods statement prepared by ASUD. The tasks identified in the specification can be summarised as follows:

1. watching brief during geotechnical test-pitting
2. geophysical survey, *c*.0.5 ha
3. trial trench evaluation, if required
4. watching brief during construction, if required
5. production of report on the archaeological works
6. deposition of archive

Standards

2.5 The works have been undertaken in accordance with the following standards: the Institute of Field Archaeologists (2001a) *Standard and guidance for an archaeological watching brief*; English Heritage (1995) Research and Professional Services Guideline No.1, *Geophysical survey in archaeological field evaluation*; the Institute of Field Archaeologists (2002) Paper No.6, *The use of geophysical techniques in archaeological evaluations*; the Archaeology Data Service (2001) *Geophysical Data in Archaeology: A Guide to Good*

Archaeological Services
University of Durham

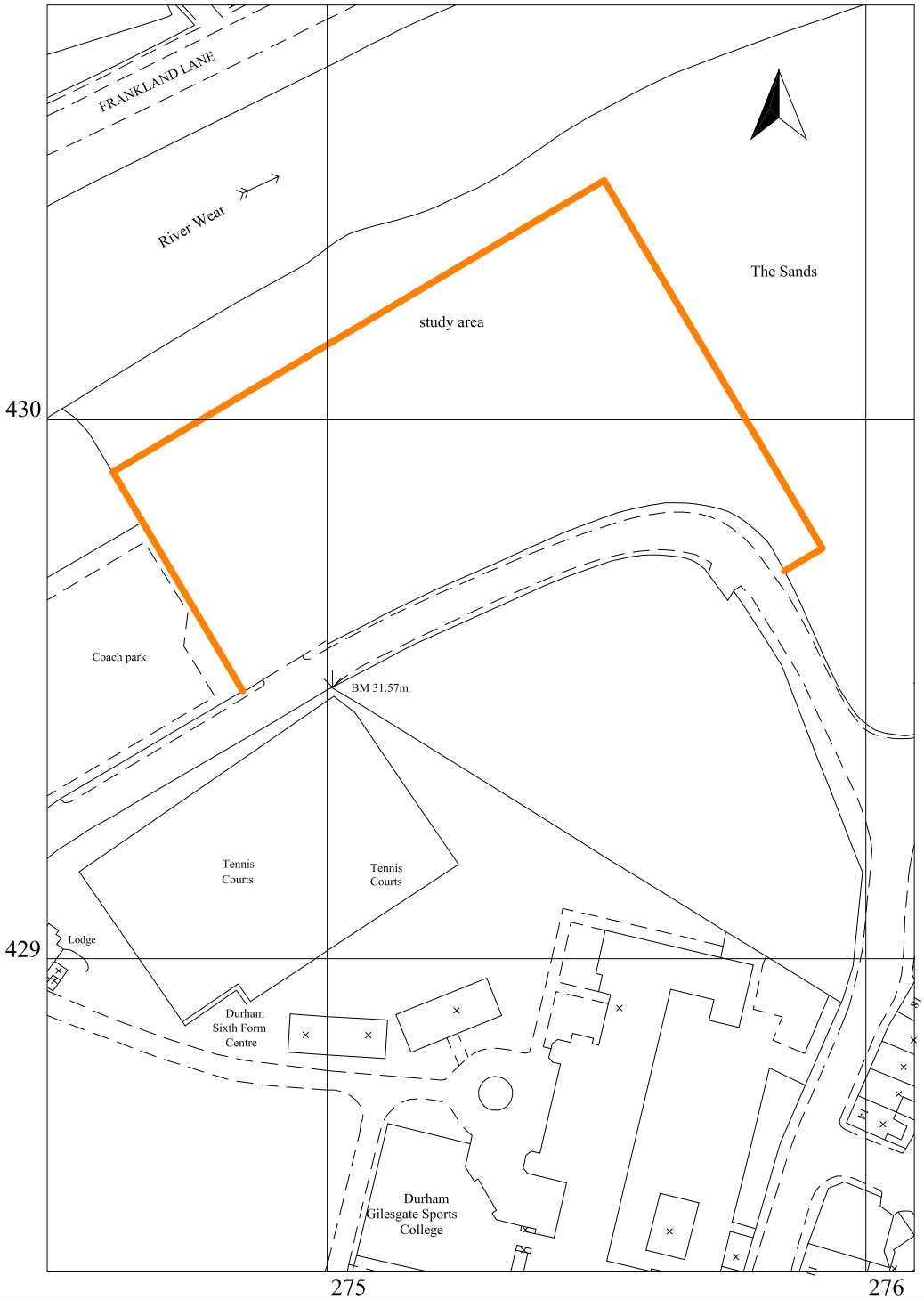
The Sands, Durham City archaeological investigations report 1175

on behalf of
Durham City Council

0 50m

scale 1:1250 - for A4 plot

Figure 1
Location of the study area in orange



Practice; the Institute of Field Archaeologists (2001b) *Standard and guidance for archaeological field evaluation*.

Dates

2.6 The watching brief during geotechnical works was undertaken on the 30th September 2004; the geophysical survey was undertaken on the 14th October 2004; the trial trench evaluation was undertaken on the 25th and 26th October 2004. This report was prepared between the 11th and 26th November 2004.

Personnel

2.7 The watching brief was conducted by Matt Claydon; the geophysical survey was conducted by Duncan Hale (the Project Manager) and Martin Railton; the evaluation was undertaken by Janice Adams, Janet Beveridge and Duncan Hale. This report was prepared by Duncan Hale and Janice Adams with illustrations by David Graham.

Acknowledgements

2.8 Archaeological Services acknowledges the assistance of the City and County Councils in facilitating this work.

Archive/OASIS

2.9 The site code is DTS04, for Durham The Sands 2004. The OASIS ID is 'archaeol3-5233'. The archive is currently held at Archaeological Services, University of Durham. This will be deposited with the appropriate museum at the completion of the project, in accordance with County Archaeological Archive policy.

3. Archaeological background

3.1 The 1st edition OS map (1861) shows a ropewalk in this area, running parallel to the River Wear for approximately 150m. This appears to extend through the eastern section of the northern part of the site. Another ropewalk is shown further along the riverbank to the south-west.

3.2 A track aligned north-west/south-east traversing the proposed development area is shown on all OS map editions up to 1950. The track led from the bend in the existing road to a ford across the River Wear to Frankland Lane.

4. Landuse, topography and geology

4.1 At the time of fieldwork the study area comprised an open, grassed space, periodically used for public events (see aerial photograph below, reproduced courtesy of Durham City Council).

4.2 The study area was predominantly level at *c*.30m AOD, with a drop down to the river on the north side.

4.3 The underlying geology of the area comprises Carboniferous Westphalian 'Coal Measures', which are overlain by alluvial silts and sands.



Aerial photograph of the western part of The Sands, showing current land-use and the approximate location of the proposed temporary car park in red

5. Geotechnical watching brief

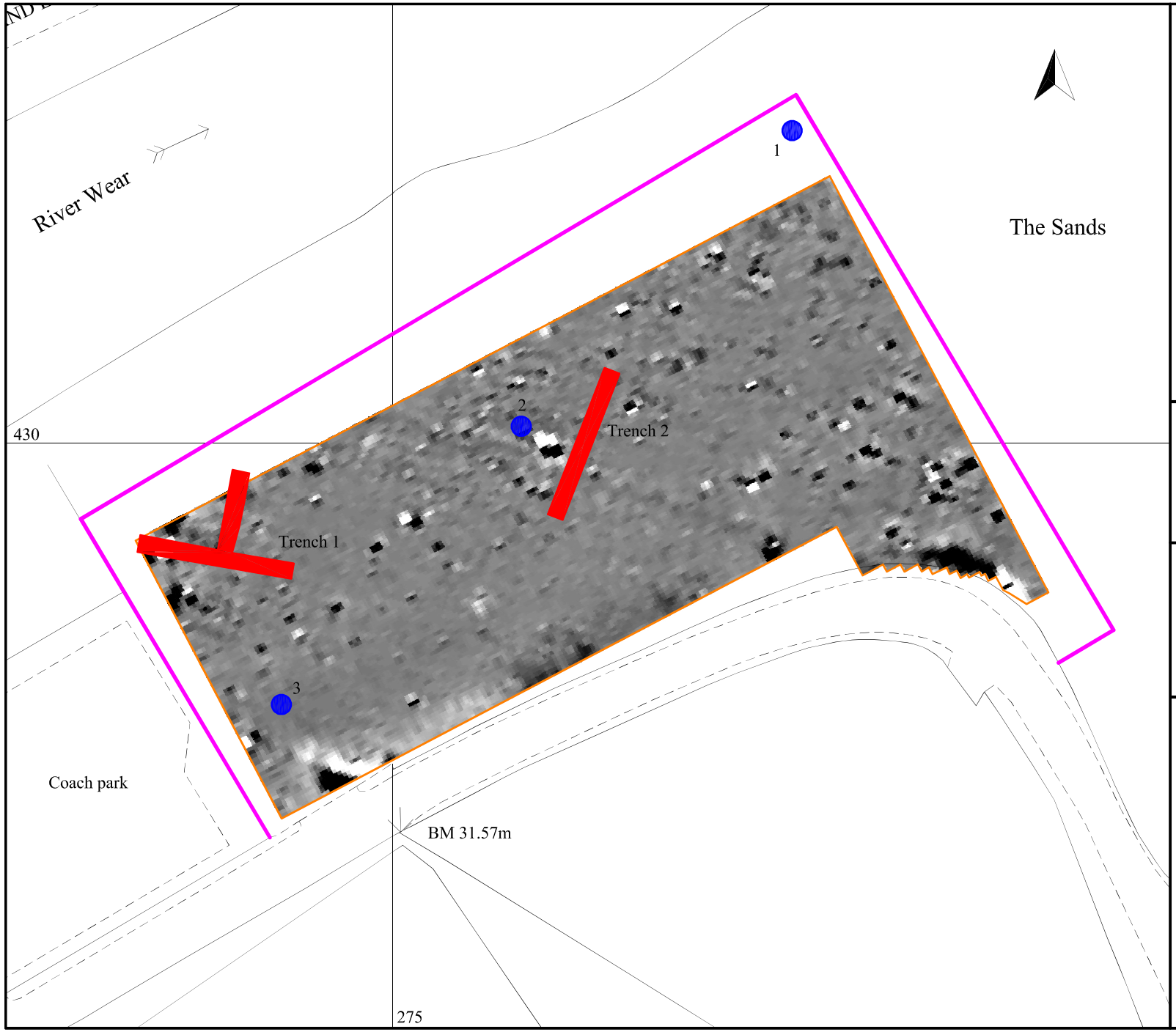
Introduction

5.1 Three geotechnical test pits were mechanically excavated across the site with a toothless bucket (Figure 2). These excavations were monitored by an experienced field archaeologist from ASUD.

Results

5.2 Each test pit was excavated to 1.2m below ground level. Topsoil varied in thickness from 0.15m (TP1) to 0.3m (TP2). At each location the topsoil overlay made-ground comprising deposits of brick fragments, stone rubble and clinker, within a matrix of silty sand. Sherds of 19th/20th century pottery were also noted within these deposits. Apparently undisturbed light brown silty sand was encountered at the following depths below ground level: 0.7m in TP1 & 2; 0.45m in TP3.

6. Geophysical survey



Archaeological Services
University of Durham

The Sands, Durham City

archaeological investigations
report 1175

Figure 2
Location of the geotechnical test pits, geophysical survey and trial trenches

on behalf of
Durham City Council

0 25m
scale 1:500 - for A3 plot

area of proposed development

geophysical survey area

trial trench

1 geotechnical test pit

Introduction

6.1 The whole of the proposed development area (*c*.0.5 ha) was geophysically surveyed in order to determine the location and nature of sub-surface anomalies of potential archaeological interest (Figure 2).

Technique selection

6.2 In this instance, given the non-igneous geological environment of the study area, a geomagnetic technique, fluxgate gradiometry, was considered appropriate for detecting any cut and built archaeological features which might be present. This technique involves the use of hand-held magnetometers to detect and record anomalies in the vertical component of the earth's magnetic field; such anomalies can reflect archaeological features.

Field methods

6.3 A 20m grid was established across the survey area and tied-in to known Ordnance Survey points.

6.4 Measurements of vertical geomagnetic field gradient were determined using a Geoscan FM256 fluxgate gradiometer. A zig-zag traverse scheme was employed and data were logged in 20m grid units. The instrument sensitivity was set to 0.1nT, the sample interval to 0.5m and the traverse interval to 1.0m, thus providing 800 sample measurements per 20m grid unit.

6.5 Data were downloaded on-site into a laptop computer for initial processing and storage and subsequently transferred to a desktop computer for processing, interpretation and archiving.

Data processing

6.6 Geoplot v3(p) software was used to process the geophysical data and to produce a continuous tone 'greyscale' image and trace plot of the raw data. The greyscale image has been imported directly into a digital basemap supplied by Durham City Council (Figure 3). Positive magnetic anomalies are displayed as dark grey and negative magnetic anomalies as light grey. A palette bar relates the greyscale intensities to anomaly values in nanoTesla. The trace plot is provided in Appendix II.

6.7 The following basic processing functions have been applied to the gradiometer dataset:

Zero mean traverse – sets the background mean of each traverse within a grid to zero; for removing striping effects in the traverse direction and removing grid edge discontinuities.

Despike – to locate and suppress random iron spikes in gradiometer data.

Interpolate – to increase the number of data points in a survey; to match sample and traverse intervals. In this instance the gradiometer data have been interpolated from 1.0 x 0.5m intervals to 0.5 x 0.5m intervals.

Interpretation: anomaly types

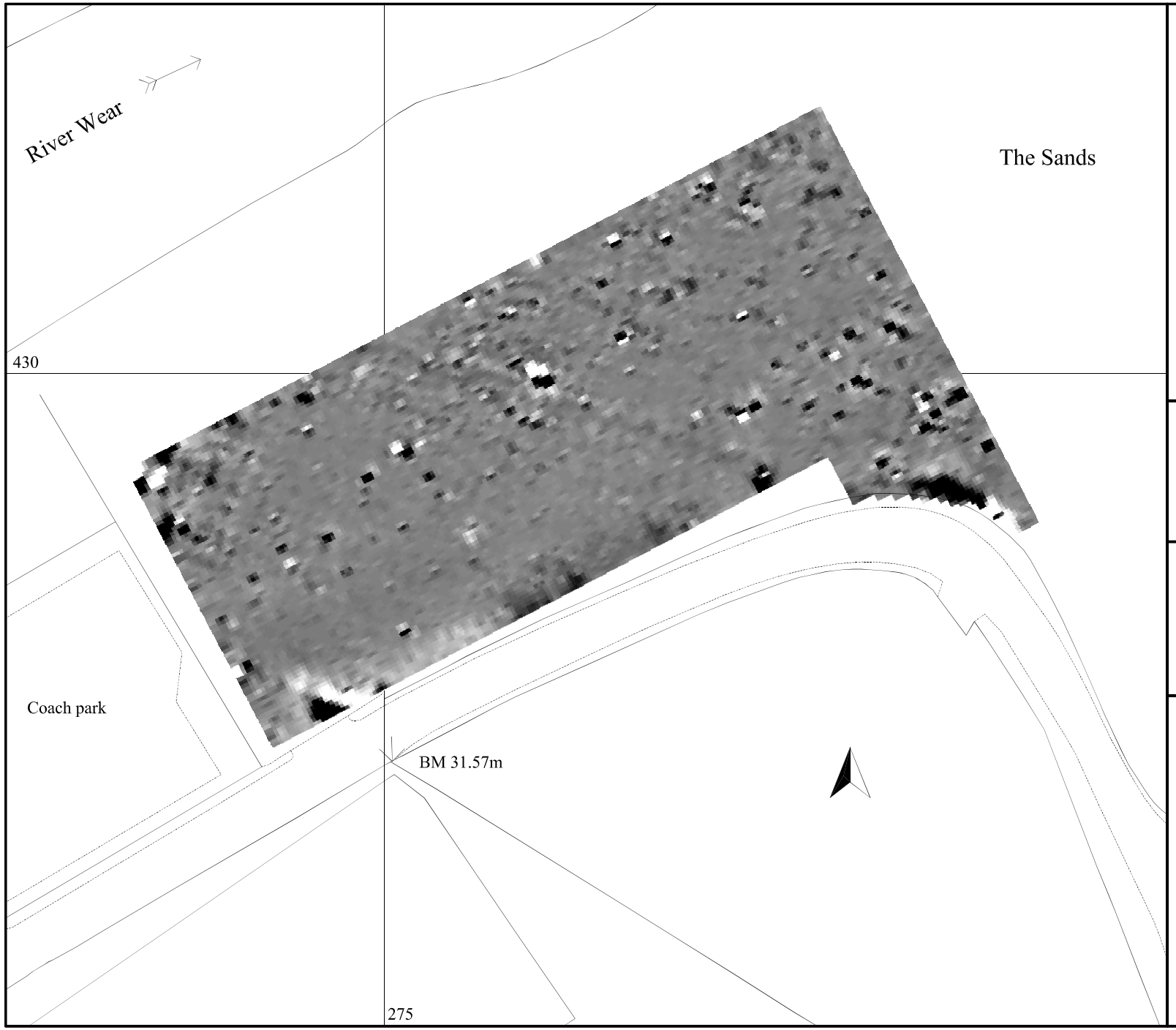


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Figure 3

Geomagnetic survey results

on behalf of
Durham City Council

0 25m

scale 1:500 - for A3 plot

87.95
73.56
59.17
44.78
30.39
16.01
1.62
-12.77
-27.16
-41.55
-55.93
-70.32
-84.71 nT

6.8 A colour-coded geophysical interpretation plan is provided in Figure 4 and an archaeological interpretation plan in Figure 5. The following types of geophysical anomaly have been distinguished in the data:

positive magnetic — regions of anomalously high or positive magnetic field gradient, which may be associated with high magnetic susceptibility soil-filled structures such as pits and ditches.

dipolar magnetic — paired positive-negative magnetic anomalies, which typically reflect ferrous or fired materials and/or fired structures such as kilns or hearths.

Interpretation: features

6.9 The survey data are characterised by a high concentration of small dipolar magnetic anomalies. These almost certainly reflect items of near-surface ferrous and fired litter, which are present throughout the survey area.

6.10 A relatively weak and diffuse positive magnetic anomaly was detected aligned north-west/south-east across the proposed development area. This corresponds to the location of the former track shown on early OS map editions, leading to the ford across the river.

6.11 A rectilinear pattern of anomalies was detected in the north-western corner of the survey area, measuring approximately 15m by 10m. These anomalies correspond to parchmarks seen on the aerial photograph (above), and indicate the location of a former building which was used by army cadets in recent times.

6.12 Intense dipolar magnetic anomalies along the south-eastern limit of the survey correspond to a lamp-post, road signs and the existing gate into the field.

7. Trial trench evaluation

Introduction

7.1 The results of the geophysical survey were discussed at a meeting between ASUD and the Assistant County Archaeologist at County Hall, who required that a limited programme of trial trenching be undertaken. The agreed trial trench locations are shown in Figure 2.

7.2 Topsoil and overburden at each trench location were removed by a mechanical excavator fitted with a toothless ditching blade, working under close archaeological supervision. Excavations did not exceed 1.2m in depth from the existing ground surface, in accordance with the specification.

Trench 1 (Figure 6)



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Figure 4

Geophysical interpretation of the survey results

on behalf of
Durham City Council

0 25m

scale 1:500 - for A3 plot

outline of survey area

positive magnetic anomalies

dipolar magnetic anomalies

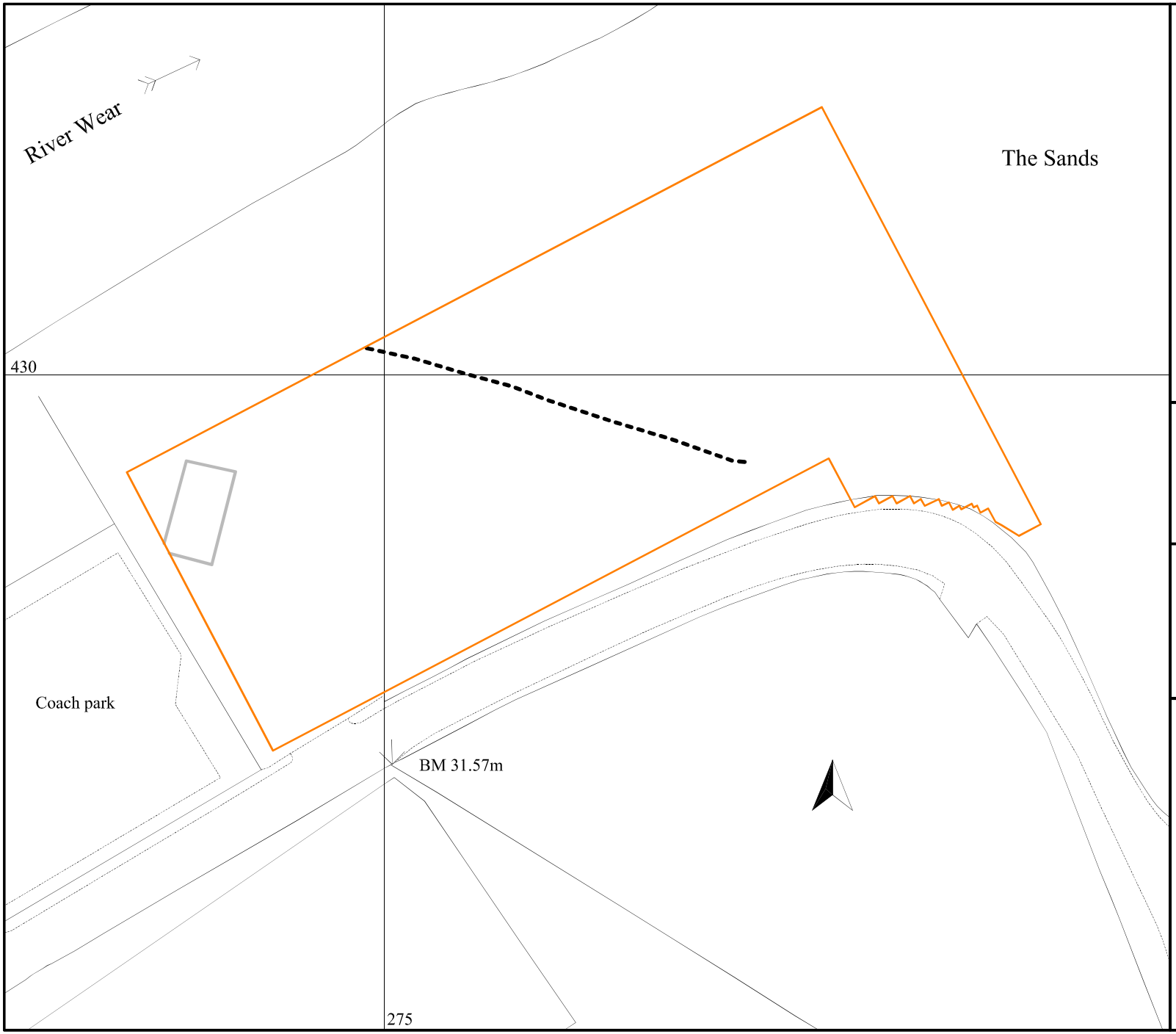

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Figure 5

Archaeological interpretation of the survey results

on behalf of
Durham City Council

0 25m

scale 1:500 - for A3 plot

outline of survey area

probable former track

probable former building

7.3 This T-shaped trench measured 20m by 2m and 10m by 2m and was positioned over the rectilinear pattern of geophysical anomalies in the north-western corner of the study area (Figure 2), a probable former building.

7.4 The maximum excavated depth was 0.96m. The lowermost deposit comprised a yellow/brown silty sand [20], which was present only in the SSE end of the excavated area. Overlying this was a well-defined, coarse, black cinder deposit [15] which again was located only at the SSE end of the trench. This was overlain by a mid-grey silty sand with inclusions of red brick and mortar [14]. Overlying this was a yellow/brown laminated sand deposit [13], which sloped down towards the NNW end of the excavated area. This was overlain by [11], a dark brown friable silt, which in turn was overlain by a yellow sand deposit [10], and a black cinder deposit [12].

7.5 Overlying both [10] & [12] was a dark brown/black silt deposit [9] which contained occasional flecks of concrete/mortar and occasional small pieces of cinder. This was overlain by a yellow sand [8] with moderately frequent inclusions of mortar, red-brick and other ceramic building material. [8] was overlain by an extensive deposit of dark brown silt [6], which contained a small number of sub-angular stones less than 0.1m in size; this was encountered at a depth of 0.1m and it sloped down to the NNW, where a lens of mortar was also present within the deposit.

7.6 Overlying [6] and [18] was a deposit of mottled light grey brown silt [7] with frequent inclusions of red brick, mortar and cement fragments. Above [7] was a moderately compacted mid-brown sandy silt [5], containing sub-angular and sub-rounded stones with a maximum size of 0.1m. The boundary to the SSE extent of this deposit was unclear. Overlying [5] was a clearly defined black cinder deposit [3], forming a narrow band; this material was located centrally within the trench and was only identifiable in the SSW section. Above the cinder [3] was a yellow/brown hardcore [2] across most of the trench; this layer also overlay [4]. The hardcore deposit [2] was immediately beneath the topsoil [1].

7.7 The mottled mid-grey and black silt deposit [18] situated at the base of the northern part of the trench contained frequent pieces of mortar and ceramic building material, the largest of which were 0.1m- 0.2m in size. Overlying [18] was a well-defined coarse black cinder layer [17], above which was light grey concrete [16]. The concrete enclosed a pipe which crossed the trench on a NE/SW alignment. A dark brown/black friable silt [4] containing small sub-angular and sub-rounded stones overlay [16] and [19]. The yellow sand layer [19] was found close to the limit of excavation at the NNW end of the trench and continued into the NNW baulk.

7.8 All deposits in this trench are interpreted as the result of tipping and levelling activities following demolition of the building which is believed to have stood here until relatively recently. No archaeological features were identified in this trench. The only find recovered was a George V sixpence, minted in 1928.

7.9 ***Trench 2*** (Figure 7)



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Figure 6

Plan 1 and Section 3 of Trench 1

on behalf of
Durham City Council

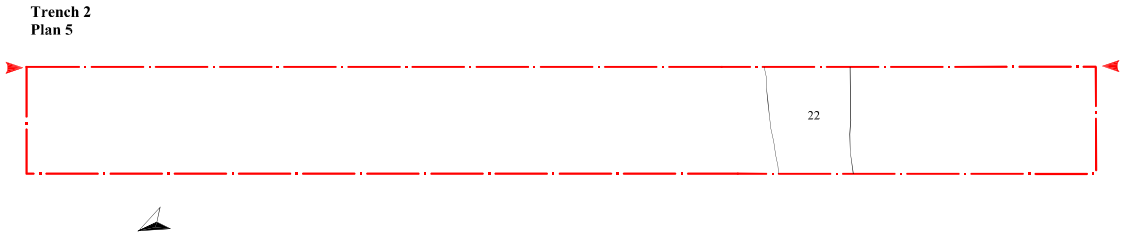
0 5m

scale of plan 1:100 - for A3 plot

0 2m

scale of section 1:50 - for A3 plot

timber



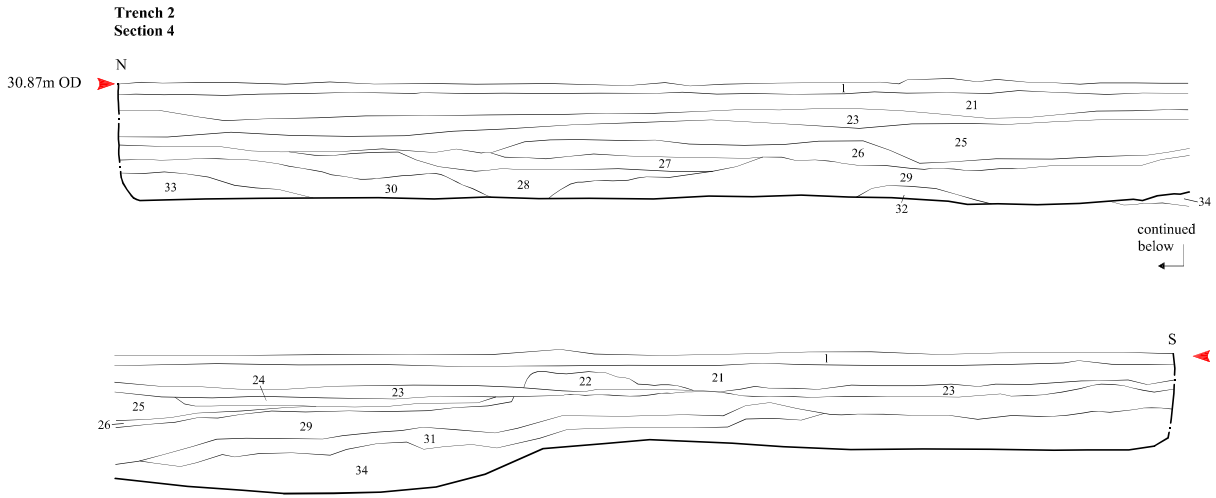


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Figure 7

Plan 5 and Section 4 of Trench 2

on behalf of
Durham City Council

0 5m

scale of plan 1:100 - for A3 plot

0 2m

scale of section 1:50 - for A3 plot

This trench measured 20m by 2m in size, and was aligned north-east/south-west. It was positioned over, and perpendicular to, a linear geophysical anomaly which was detected in the central part of the study area. This anomaly corresponded to the recorded location of a 19/20th century track.

7.10 The maximum excavated depth of this trench was 1.20m. The top of the lowermost excavated deposit, a mid-yellow/brown alluvial sand [34], was found at a depth of 0.80m. This was overlain by mid-yellow/grey silty sand [31] with frequent brick, rubble and mortar fragments. Both [31] and [32], a mid-grey/brown sandy silt with a very high mortar content (80%), were overlain by [29], a mid yellow brown sand. [29] was overlain by [28], a mid-grey/brown sandy silt which also contained a high quantity of mortar; this was located at the northern extent of the excavation, sloping steeply downwards at 2.6m from the northern baulk. Above this was a mid-grey/brown sandy silt [27], which again contained many fragments of mortar. Overlying [27] was a mid-grey/yellow silty sand [26], containing rubble, red brick and mortar fragments. At 7m from the northern extent of excavation this deposit sloped sharply downwards and reduced in thickness from 0.2m to 0.06m. At this point layer [25], stratigraphically above [26], increased in thickness. Layer [25] was a mid-grey plastic clay which varied in thickness from 0.1m to 0.3m.

7.11 Overlying [25] was a thin layer of mid-yellow/grey silty sand [24], containing small fragments of brick and mortar. Above [24] a deposit of dark yellow/grey sand [23] was located. This was overlain by a well-defined dark grey/black cinder deposit [22] which was present in both sections and is interpreted as a relatively recent path following the course of the former track. This feature almost certainly accounts for the linear geomagnetic anomaly at this location. Overlying [22], a dark black/grey silty sand layer [21] was present along the full extent of the trench; this contained frequent fragments of rubble, glass, brick and mortar. Immediately above [21] a layer of topsoil [1] covered the extent of the trench.

7.12 At the northern extent of excavation a mid-yellow/brown sand [33], was present at a depth of 0.66m; this deposit is probably the natural alluvial sand, however, only a small area was exposed in the excavation. This was overlain by [30], a mid-grey/brown friable sandy silt, 0.26m thick, which contained a large amount of mortar; this deposit was only present at the northern extent of the excavation, underlying [28].

7.13 Most of the deposits that were identified are interpreted as the result of tipping and levelling activities. The cinder deposit [22] may have been a relatively recent footpath which followed the course of the former track to the ford. No archaeological finds or features were identified in this trench.

8. Conclusions

8.1 Archaeological investigations undertaken prior to the proposed construction of a temporary car park on the western part of The Sands did not identify any features of archaeological interest. The majority of deposits encountered appeared to reflect tipping and levelling operations.

8.2 If any evidence for the 19th century ropewalk still survives it is likely to be in the north-eastern part of the proposed development area. The archaeological works identified the former site of a recent building and a possible cinder path, which appeared to follow the course of a 19th century track to a ford across the river.

8.3 No further archaeological works are recommended prior to the proposed development.

9. References

Archaeology Data Service 2001 *Geophysical Data in Archaeology: A Guide to Good Practice*. Arts and Humanities Data Service.

English Heritage 1995 Research and Professional Services Guideline No.1, *Geophysical survey in archaeological field evaluation*. London.

Institute of Field Archaeologists 2001a *Standard and guidance for an archaeological watching brief*

Institute of Field Archaeologists 2001b *Standard and guidance for archaeological field evaluation*.

Institute of Field Archaeologists 2002 *The use of geophysical techniques in archaeological evaluations*. Paper No.6, Institute of Field Archaeologists, Birmingham.

Appendix I: Specification supplied by DCC Archaeology Section

SPECIFICATION FOR AN ARCHAEOLOGICAL EVALUATION
at The Sands, Durham

1.0 Site Location and Geology:

1.1 The site of The Sands is located just to the north of the Durham Sixth Form College on Freeman's Place, Durham City. The site is centred on NGR NZ 2756 4300 and covers approximately 4560sqm. It is bordered on the north side by the River Wear, to the south by Freeman's Place and Providence Row and to the west by a coach park. The eastern boundary does not follow an existing boundary, but is merely an arbitrary line drawn across the open area of The Sands.

1.2 This specification relates to work to be carried out by Durham City Council and its contractors to build a temporary car park on the site.

1.3 The drift geology of the site is Clay overlying solid geology of Carboniferous Coal Measures.

2.0 The Development:

2.1 Durham City Council are developing the site as a temporary car park while the next phase of the Walkergate development continues. The site work will involve levelling of the ground surface by between 250mm - 200mm in order to make the car park and associated services.

2.2 Durham City Council should provide a map detailing the area of the proposed works including information such as the location of any associated ground works (service trenches etc).

3.0 Historical and Archaeological Background:

3.1 The 1st edition OS map shows a rope walk in this area, running parallel to the River Wear for approximately 150m. This appears to extend through the eastern section of the northern part of the site.

3.2 A rope walk was the method used to manufacture ropes and consisted of a twisting mechanism with several revolving hooks and a sledge with a fixed hook. The yarn material to make the rope was strung out between these two sets of hooks, up to 300m apart. The revolving hooks were turned by hand, and later by machine, thus causing the yarns to twist together into a strand. As the twisting continued, the yarn would shrink and pull a sledge down towards the twisting mechanism. The aim was to get a tightly twisted strand without kinking. These strands were then twisted together in the opposite direction to make the rope – a process called "laying" the rope.

4.0 The Archaeological Brief:

4.1 The evaluation should set out to identify and record any previously unknown archaeological deposits disturbed during the process of the development scheme. The evaluation should seek to inform the developer and the planning authority of the archaeological and historical importance of the site. This will enable decisions to be made by the planning authority regarding the impact of the proposed development.

4.2 A suitable mitigation strategy regarding the need for future archaeological work can then be decided upon in agreement with the developer. The preferred option will be for preservation *in-situ* of archaeological deposits through sympathetic design of the car park. Where this is not possible or archaeological deposits are deemed to be of a low quality through earlier damage then a scheme of further excavation may be required in advance of development.

4.3 The evaluation will involve a phased approach to the archaeology. In the first instance a watching brief during trial pit evaluation by the geo-technical engineers will be undertaken. This will

be followed by a geophysical survey of the site which will be required to locate, if possible, the remains of the rope walk and any other archaeological features.

4.4 Based on the results of the watching brief and geophysical survey, it may then be necessary to place evaluation trenches across the site or to maintain a watching brief during the topsoil strip. These will concentrate for the most part across the area of the known rope walk, but it will also be important that the rest of the site is sampled.

5.0 Remote Sensing:

5.1 The use of remote sensing geophysical techniques will be required. The site covers an area of approximately 4560sqm.

5.2 A survey grid should be placed across the site and must be accurately tied in to local topographic features and overlaid onto an OS map base.

5.3 The purpose of the geophysical survey will be:

- to establish the presence/absence, and nature of the reputed ropery/rope walk across the development
- to establish the presence/absence, and nature of any archaeological anomalies within the area of proposed development
- to define the extent of any such anomalies, and to characterise, if possible
- to establish the presence/absence, and nature of any known modern anomalies within the area of proposed development which may affect the results

5.4 Consideration of the main techniques available for geophysical survey should be taken. These are magnetic susceptibility; magnetometry; resistivity; and ground penetrating radar. It should be made clear in the project design document which method will be utilised and why.

5.5 A survey grid should be placed across the site and must be accurately tied in to local topographic features and overlaid onto an OS map base. The contractor must place survey markers at the site such that the location of the geophysical survey can be easily relocated should further work be required.

5.6 The results of the geophysical survey will be used to inform the next stage of archaeological works which will either be trial trench evaluation or a watching brief during top soil stripping. **The results should therefore be submitted to the client within 10-15 working days of finishing on site.**

6.0 Evaluation Trenching And Recording:

6.1 Based on the results of the geophysical survey and the metal detecting survey, the excavation of archaeological trial trenches may be required, or a continuous presence watching brief during the topsoil strip. The watching brief should be conducted to the same standard and specification as the evaluation. The archaeologists shall have the power to halt the on-site works if features of an archaeological nature are uncovered. Sufficient time should be given to the archaeologists to allow adequate excavation and recording to take place.

6.2 The trial trench excavation should it be required should cover a total area not less than 91m² but no more than 228m². The location of the trenches will need to be approved by the County Archaeology Office and should concentrate on the areas identified by the surveys, but they should also sample the whole site. Excavation should be by machine with a toothless 1.5m ditching bucket initially, followed by hand excavation as necessary.

6.3 All excavations shall be to a maximum depth of 1.20m unless special provision has been made for deeper investigation. The exact position of the excavations pits shall be decided in association with the County Archaeology Officer and may be moved and redefined to take account of services etc. The

excavation of trial trenches and pits shall be conducted in such a manner that the records obtained may be easily integrated with any future excavation of deposits encountered.

6.4 A sufficient sample of archaeological features and deposits revealed will be excavated in an archaeologically controlled and stratigraphic manner to fulfil the purpose of the evaluation. The complete excavation of all features is not a necessity at this stage, especially where these continue into sections or below the maximum depth of excavation. Any human remains encountered should be accurately recorded, including *in-situ* examination by a palaeo-pathologist, but not removed from site during this phase of the work

6.5 A full record of excavated features should be made using a single context planning system. All archaeological features will be photographed and recorded at an appropriate scale. Sections should be drawn at 1:10, and plans at 1:20. All levels will be tied into Ordnance Datum and the trenches accurately located with the National Grid. Photographic records should use black and white prints and colour slide.

6.6 Durham County Council Archaeology Section are working to ensure that the *Keys to the Past* website continues to be enhanced. All development-led archaeological work, unless sensitive for one reason or another, is ultimately placed on the website. A key aspect of this website is the ability to view photos of the archaeological sites. Therefore, some general, informative, digital site images should be included in the photographic record. Contractors should be aware that these images will be used on the *Keys to the Past* website and/or in general publicity by the Durham County Council Archaeology Section.

6.7 Pottery and animal bone should be collected as bulk samples by context. Significant small finds should be three dimensionally located prior to collection. All finds should be processed to MAP2 standards and subject to specialist assessment. Palaeo-environmental samples should also be taken where appropriate. If necessary, conservation of finds should be appraised to allow for specialist study (see section 7.0 Specialist Services below).

6.7 Scientific dating techniques such as archaeo-magnetism should be applied where appropriate.

6.8 Following the completion of excavations, pits should be backfilled, any additional re-instatement required should be discussed with the client.

7.0 Specialist Services and Reports:

7.1 The vast majority of sites where excavation takes place will require the input of archaeological specialists for dating, artefact analysis, palaeo-environmental sampling and conservation. Contingency sums should be set aside for all of these areas and clearly indicated in any tender documents. In the instance of palaeo-environmental remains and conservation, policies as follows should be adopted. In each case the specialist involved should be kept informed of the start date and progress of sites so that sampling and necessary on site conservation needs can be timetabled

7.2 Specialist advice regarding the need for palaeo-environmental sampling, appropriate sampling techniques and research questions for specific sites should be identified in advance. In the first instance for sites in County Durham this should be with The University of Durham, Archaeology Department, Biological Sciences Laboratory, South Road, Durham DH1 3LE. Contact Jacqueline Huntley. If contractors intend to use a different source of advice then the specialist should be named and should take account of the information and future directions identified in the regional review "Plant and Vertebrate Remains from archaeological sites in northern England: data reviews and future directions". J.P.Huntley and S. Stallibrass. Research Report No.4, Architectural and Archaeological Society of Durham and Northumberland. 1995.

7.3 Specialist conservation advice and services should be budgeted for in all tenders along with other specialist services. A contingency amount should be identified for the appraisal of the conservation needs of artifactual material excavated on site and for the initial stabilisation of such finds where needed so that they may be studied as part of the post-excavation for the project. In the first instance for sites within County Durham advice should be obtained from Jennifer Jones, Conservation

Laboratory, Department of Archaeology, University of Durham, South Road, Durham DH1 3LE. If contractors intend to use a different source of advice then the specialist should be named in advance.

8.0 OASIS

8.1 The Durham County Council Archaeology Section supports the Online Access to Index of Archaeological Investigations (OASIS) Project. The overall aim of the OASIS project is to provide an online index to the mass of archaeological grey literature that has been produced as a result of the advent of large scale developer funded fieldwork.

8.2 The archaeological contractor must therefore complete the online OASIS form at http://ads.ahds.ac.uk/project/oasis/ within 3 months of completion of the work. Contractors are advised to ensure that adequate time and costings are built into their tenders to allow the forms to be filled in.

8.3 Technical advice should be sought in the first instance from OASIS (oasis@ads.ahds.ac.uk) and not from Durham County Council Archaeology Section.

8.4 Once a report has become a public document by submission to or incorporation into the SMR, Durham County Council Archaeology Section will validate the OASIS form thus placing the information into the public domain on the OASIS website.

8.5 The archaeological consultant or contractor must indicate that they agree to this procedure within the specification/project design/written scheme of investigation submitted to Durham County Council Archaeology Section for approval

9.0 Health and Safety Policy:

9.1 Contractors are expected to abide by the *1974 Health and Safety Act* and its subsequent amendments. Appropriate provision of first aid, telephone and safety clothing as described in the *SCAUM* manual on archaeological health and safety should be followed. Each site should have a nominated safety officer. The undertaking of a risk assessment prior to the commencement of works is strongly recommended.

10.0 Publication:

10.1 All assessments, evaluations and watching briefs which do not progress to further excavation and research (with the relevant post-excavation and publication scheme and costs), should have a time and budget allocation identified for publication. This should be to a minimum standard to include a summary of the work, findings, dates, illustrations and photographs and references to where the archive is lodged.

10.2 Editors of regional journals, either the *Durham Archaeological Journal* or *Archaeologia Aeliana* should be contacted for information on outline publication costs, fuller figures may be worked out on completion of the watching brief. As the final note is largely unpredictable in advance a contingency sum should be set aside at the outset of work in the tender.

11.0 The Report:

11.1 The evaluation report is often the first/second stage of a phased programme of archaeological works. The local planning authority have requested it as part of the planning process.

11.2 It is understood that the developer is working to a strict timetable with the need to complete all on-site works within a short period Therefore the archaeological contractor or consultant should ensure that a copy of the report is submitted to Durham County Council Archaeology Section and the client as soon as possible on completion of the archaeological work. If this is not possible, then the contractor or the developer should ensure that the planning officer at Durham City Council is kept informed of the revised timetable.

11.3 The report should include the following:

- **planning application number (if applicable)**
- **executive summary**
- **a site location plan to at least 1:10,000 scale with 8 figure central grid reference**
- **OASIS reference number**
- **contractor's details including date work carried out**
- **nature and extent of the proposed development, including developer/client details**
- **description of the site location and geology**
- **a trench plan to a suitable scale and tied into the national grid so that features can be correctly orientated**
- **discussion of the results of field work**
- **context & feature descriptions, including Harris matrix**
- **features, number and class of artefacts, spot dating & scientific dating of significant finds presented in tabular format**
- **plans and section drawings of the features drawn at a suitable scale**
- **digital images of any significant finds or features**
- **recommendations regarding the need for, and scope of, any further archaeological work**
- **bibliography**

11.3 The report should be presented in an ordered state and contained within a protective cover/sleeve or bound in some fashion (loose-leaf presentation is unacceptable). The report should contain a title page listing site/development name, district and County together with a general NGR, the name of the archaeological contractor and the developer or commissioning agent. The report should be page numbered and supplemented with sections and paragraph numbering for ease of reference. All maps, figures and photographs should be cross referenced to the text.

11.4 At least **three copies of the report should be produced**, two for the client, and one for the Durham County Council Archaeology Section (SMR).

12.0 The Tender:

12.1 **Tenders for the work must include a project design. The appointed contractor should submit this to DCCAS for approval prior to work commencing.** The tender should also include the following:

12.2 Brief details of the organisation and staff who are proposing to carry out the work including any relevant specialisms or experience.

12.3 The earliest date at which the work can be commenced and the amount of notice required to initiate the work.

12.4 Details concerning proposed methods of recording and source material

12.5 An estimate of how long the work will take, broken down by time and cost in terms of data collection and report production. This should include a breakdown of costs attributable, where possible, to:

- travelling and subsistence
- plant hire and accommodation
- geophysical survey
- evaluation trenching
- day rates for watching brief
- report production
- administration
- other

12.6 Contingency sums must be clearly allocated for the following:

- specialists (human remains, environmentalists, small finds, etc)
- scientific dating
- environmental sampling
- archiving and publication
- other

13.0 Submission of Report:

13.1 This watching brief should be considered as a project in its own right and not necessarily the first stage of any further work. A final copy of the report should be sent to the Archaeology Section, Durham County Council for inclusion into the County Durham Archaeological Archive (SMR). The address is as follows:

The County Archaeology Officer, Archaeology Section, Cultural Services, County Hall, Durham, DH1 5TY.

14.0 The Archive:

14.1 The site archive comprising the original paper records and plans, photographs, negatives etc, should be deposited in the appropriate museum at the completion of post-excavation. This should be in accordance with County Archaeological Archive policy, a guidance note on which can be obtained from the County Archaeology Service.

15.0 Notice

15.1 The County Archaeologist should be given two weeks notice in writing of the commencement of evaluation works. During such works the County Archaeologist or her nominated representative should be allowed access to the site and excavations at all reasonable times.

September 2004

Appendix II: Trace plot of geomagnetic data

Appendix III: Context data

Summary list of contexts. The * symbols in the columns at the right indicate the presence of finds of the following types: P pottery, B bone, M metals, F flint, S slag, O other materials.

No	Area	Description	P	B	M	F	S	O
1	T1	topsoil						
2	T1	hardcore						
3	T1	cinder path/deposit						
4	T1	levelling deposit						
5	T1	demolition/levelling deposit						
6	T1	levelling deposit/made up ground						
7	T1	levelling deposit/made up ground						
8	T1	levelling deposit/made up ground						
9	T1	levelling deposit/made up ground						
10	T1	yellow sand deposit						
11	T1	levelling deposit						
12	T1	cinder deposit						
13	T1	sand deposit						
14	T1	levelling deposit						
15	T1	cinder deposit						
16	T1	concrete deposit						
17	T1	cinder deposit						
18	T1	cbm deposit						
19	T1	yellow sand deposit						
20	T1	natural subsoil, alluvial silty sand						
21	T2	levelling deposit						
22	T2	cinder path						
23	T2	sand deposit						
24	T2	rubble dump						
25	T2	clay deposit						
26	T2	rubble dump						
27	T2	mortar spread						
28	T2	rubble deposit						
29	T2	sand deposit						
30	T2	mortar deposit						
31	T2	rubble dump						
32	T2	rubble dump						
33	T2	sand deposit						
34	T2	natural subsoil, alluvial sand						

Appendix IV: Plans and sections register

No	Scale	Contexts
1	1:20	Plan of Trench 1
2	1:20	Plan of Trench 1
3	1:20	Section along Trench 1
4	1:20	Section along Trench 2
5	1:20	Cinder Path Trench 2

Appendix V: Black and white film registers

Film 1

Shot number	Looking	Context/plan/section
19		ID Shot
20-22	NW	View Trench 1 (1x2m 1x1m)
23-25	SW	View Trench 1 (1x2m 1x1m)
26-28	SE	View Trench 1 (1x2m 1x1m)
29-36	SW	Section along Trench 1 (1x2m)

Film 2

Shot number	Looking	Context/plan/section
1		ID Shot
2-22	SW	Section of Trench 1 (2m)
23		Mis-shot (2m)
24-26	SW	Section along edge of Trench 1 (2m)
27-29		View of Trench
30-36		Sections through Trench

Film 5

Shot number	Looking	Context/plan/section
1		ID Shot
2-13		Sections through Trench

Appendix VI: Colour film registers

Film 3

Shot number	Looking	Context/plan/section
19		ID Shot
20-22	NW	View Trench 1 (1x2m 1x1m)
23-25	SW	View Trench 1 (1x2m 1x1m)
26-28	SE	View Trench 1 (1x2m 1x1m)
29-36	SW	Section along edge of Trench 1

Film 4

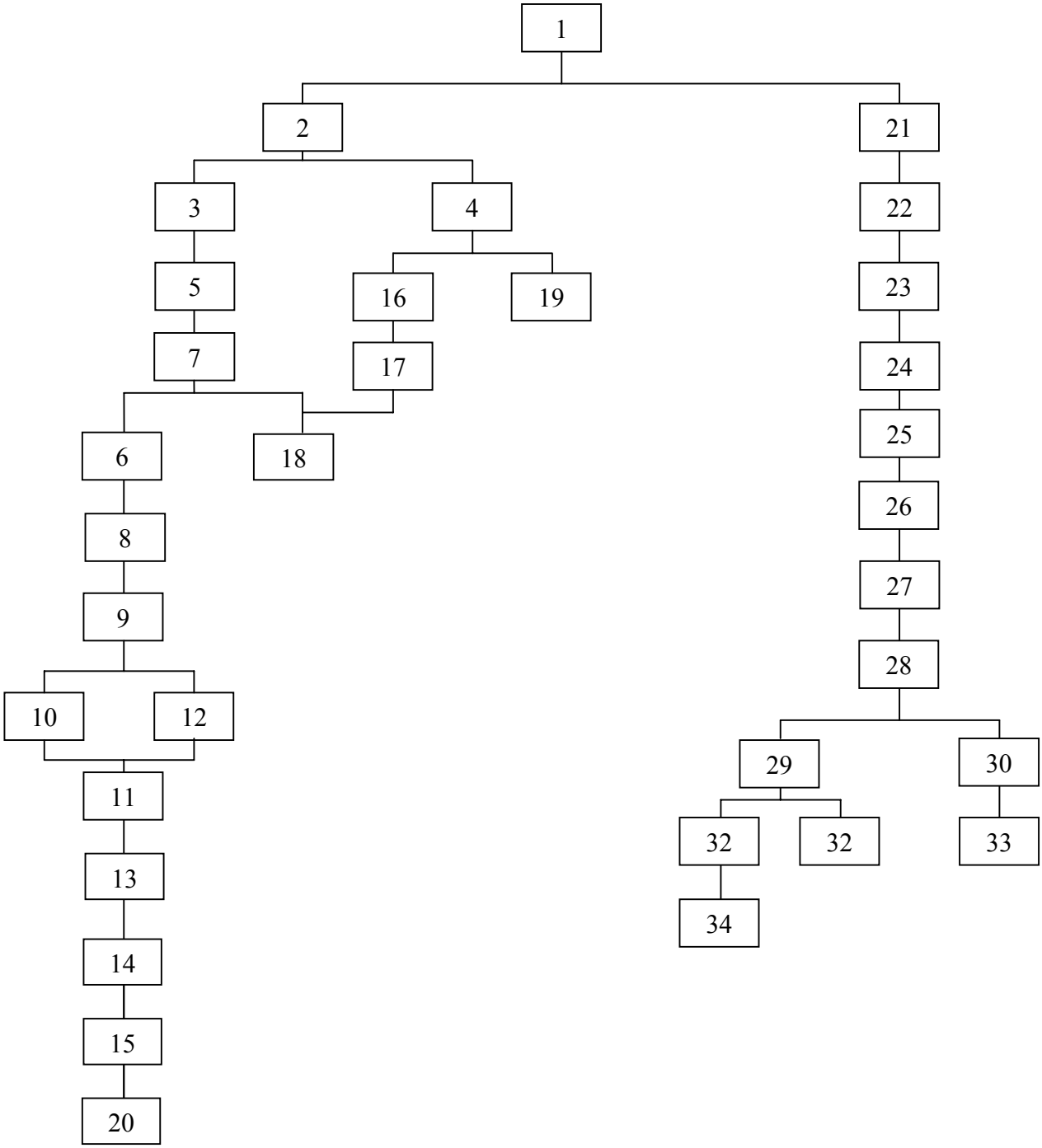
Shot number	Looking	Context/plan/section
1		ID Shot
2-26	SW	Section along Trench
27-29		View of Trench
30-36		Sections through Trench

Film 6

Shot number	Looking	Context/plan/section
1		ID Shot
2-13		Sections through Trench

Appendix VII: Stratigraphic matrix

Trench 1 and 2



NAA

ARCHAEOLOGICAL EVALUATION
FINAL REPORT

THE SANDS AND
DURHAM SIXTH FORM CENTRE
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DURHAM CITY

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NAA 18/057
July 2018

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On behalf of	Durham County Council
Location	Durham City
District	Durham
Grid Ref	NZ 27406 42926, NZ 27557 42950
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LAND AT THE SANDS, DURHAM CITY
ARCHAEOLOGICAL EVALUATION
FINAL REPORT

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LAND AT THE SANDS, DURHAM CITY
ARCHAEOLOGICAL EVALUATION
FINAL REPORT

Summary

This document presents a report of the results of an archaeological evaluation at The Sands, Durham (NZ 27406 42926) and to the north of Durham Sixth Form College (NZ 27557 42950). The work was undertaken by Northern Archaeological Associates Ltd (NAA) for Kier Construction between May and June 2018 in support a planning application for commercial development.

The proposed works had the potential to impact upon a 17th century mill leat at The Sands and medieval deposits in the Durham College Sixth Form car park. Seven trenches were excavated to evaluate the archaeological potential of the two areas. Extensive made ground deposits of likely 19th century or later origin were found in all trenches. As the made ground deposits extended below the maximum safe working depth for excavation, the evaluation was unable to ascertain the presence or absence of pre-19th century deposits in the evaluation area.

1.0 INTRODUCTION

1.1 This document presents a report of archaeological investigations at The Sands, Walkergate, Durham City (NGR NZ 27406, 42926), and to the north of Durham Sixth Form College (NGR NZ 27557, 42950) (fig 1). The work was undertaken by Northern Archaeological Associates Ltd (NAA) for Kier Construction Ltd on behalf of Durham County Council (DCC) between 29th May and 6th June 2018. The work was required to inform a planning application for the construction of a new headquarters building for Durham County Council and an associated multi-storey car park.

1.2 All archaeological works were undertaken in accordance with a separate Written Scheme of Investigation (NAA 2018), which had been agreed in writing with DCC.

2.0 LOCATION, TOPOGRAPHY AND GEOLOGY

Location

2.1 The Site is located on the north side of the Durham Peninsula, on the east bank of the River Wear. The Sands car park site (Archaeological Study Area 1; hereafter 'ASA 1') covers an area of approximately 1 hectare immediately north of the Penny Ferry footbridge. It is bounded on the west side by the river, to the north by The Sands Recreation Area, to the east by Freeman's Place and to the south by the new Passport Office development.

2.2 The Durham Sixth Form Centre car park site (Archaeological Study Area 2; hereafter 'ASA 2') is a roughly triangular 0.4 hectare plot of land located approximately 50m north-east of ASA 1 and immediately north of the Durham Sixth Form Centre buildings. It is bounded to the south by the college grounds and on the other two sides by the curve of the road where Freeman's Place meets Providence Row.

2.3

Geology and soils

2.4 The solid geology of the area consists of Coal Measures, with the Hutton coal seam outcropping nearby both to the north and south. Within the Site, the bedrock is overlain by river terrace deposits or alluvium, with glacial sand and gravel recorded to the east of the area.

Topography and land-use

2.5 Both sites lie on the level floodplain of the River Wear with the modern ground surface lying typically at a height of between 30m and 32m above Ordnance Datum (aOD).

2.6 The Sands (ASA 1) is a public car park run by DCC and is in regular use. It comprises a well-maintained tarmac surface divided by a series of grass verges and soft landscaping.

2.7 Until fairly recently, the Sixth Form Centre car park (ASA 2) was occupied by an old laundry building, which was demolished c.2002. Today, the eastern half of the site is used as a car park, operated by the Sixth Form Centre, and the west side is waste ground used for storage.

3.0 SUMMARY ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

3.1 The archaeological and historical background to the site has been discussed at length in the desk-based assessment. A summary of the information relevant to both sites is presented here. For full details and references, please refer to the desk-based assessment (NAA 2018).

3.2 The riverside area to the north of Durham's peninsula has been the focus of considerable development over the last 20 years including The Gala Theatre and Millennium Place development (also referred to as Walkergate), the Passport Office, Freeman's Quay Leisure Centre, and more recently the Cidon Claypath development (ongoing). As such, a considerable amount of archaeological research and investigation has already been undertaken within the vicinity of ASA 1 and 2.

Prehistoric and Roman

3.3 There is little direct evidence of prehistoric or Roman occupation in Durham City, represented by scattered finds of worked flints and Roman pottery, and the potential for the presence of any remains relating to this period within the development site is considered to be low. Worked flint and sherds of Roman pottery were recovered during excavations in the southern part of the Walkergate car park, to the south of the Site, as part of the Walkergate Millennium Project.

3.4 A palaeochannel was also identified by the Walkergate excavation, the location of which appeared to correspond to the line of a curving escarpment shown on the First

Edition Ordnance Survey (OS) map of the area, which had been levelled by the time of the Second Edition OS map. This feature was originally thought to pre-date the medieval period, but excavations at Freeman's Place, in the grounds of the Sixth Form Centre, suggested it was probably a flood episode dating to the 13th century.

Medieval

3.5 Prior to the 11th century, settlement in Durham had been predominately focused on the peninsula, though there are likely to have been small farming settlements occupying the surrounding hinterland. There is little surviving archaeological evidence of early medieval activity in the city except around the cathedral. Excavations at the former Framwellgate car park (now part of the Riverwalk development), the former Claypath car park (now part of the Cidon Claypath development) and Walkergate car park (now Millennium Place) have all demonstrated occupation from the 11th or 12th century. Notably, however, material of 11th–12th-century date was not identified during excavations at Freeman's Place where the earliest occupation evidence was 13th century, nor at the Passport Office Building, suggesting that settlement probably radiated out gradually from the peninsula over a period of 300 years.

3.6 By the 12th century, the area of the Site formed part of the Borough of Durham, which included the parish of St Nicholas and part of Framwellgate. It has been suggested that the Borough was founded by Bishop Flambard in the early 12th century as part of a phase of redevelopment that included the clearance of the population from Palace Green into the area of the current Market Place, the construction of Framwellgate Bridge and allocation of the Borough pastures on the opposite side of the river, and the foundation of Kepier Hospital.

3.7 Several archaeological investigations close to the Site have identified evidence for medieval activity, with recorded archaeological deposits surviving at depths up to 3.9m below modern ground surface. In the grounds of the Sixth Form Centre, to the south of ASA 2, at least two phases of medieval activity were identified by excavations in 2006, consisting of a series of boundary ditches or drainage channels thought to demarcate the settlement on Claypath to the east from the pasture fields to the west.

3.8 The lower peninsula was walled in around 1315 and both the wall and 'Walker-gate' are clearly depicted on Christoph Schweitzer's 1595 plan of Durham. The gate

provided access from the city to Kepier hospital (built in 1112) and followed the line of the modern Walkergate and Freeman's Place.

3.9 Just outside the gate, a mill is shown. This was probably the Bishop's Mill, which was one of eight medieval mills on the River Wear at Durham. The building is first referenced in the Boldon Book (1183), but surveys in 1543 recorded the property as being in very poor repair and it may have been replaced by the time of the publication of Schweitzer's plan. The mill was later rebuilt 180m to the south of the original site in c.1630 and again in 1754.

3.10 A second building outside the wall is shown on Schweitzer's plan, just to the north of St Nicholas Church. This was probably Shacklock Hall, shown on later maps and identified from archaeological evidence. This was located some distance south of the Site. Crook Hall, a 13th-century Grade I listed medieval hall, is depicted on the north bank of the river, approximately 0.25km north-east of ASA 1.

Post-medieval

3.11 In the later 16th century, the area to the north of the city became closely associated with the cloth industry. In 1614, the Corporation applied part of their charitable funds to establish the Company of Clothworkers at New Place, the former town house of the Nevilles in the north-west corner of the walled city. This was the first of several relatively short-lived cloth-making and weaving enterprises associated with this part of the city, which continued into the early 19th century.

3.12 In 1814, all premises were sold outright to Gilbert Henderson, who relocated his weaving business from Kirk Merrington to Durham to establish a new carpet manufactory.

3.13 Armstrong's Plan of 1768, records the 18th-century mill and associated mill race that extends north through ASA 1. This mill building stood on the site until it was demolished in advance of the construction of the new Passport Office. It is first shown on Thomas Forster's plan of Durham of 1754, where it is marked 'Mills and Dams of Thomas Leven Esq'. No evidence of any material pre-dating the 18th century was identified during building recording and excavation of the Passport Office site in 2012.

3.14 The mill race was unusually long, extending north to discharge back into the river at a point just beyond the north boundary of ASA 1, almost opposite Crook Hall. The race

does not appear on earlier depictions of the site and the length and extent of the feature suggests that it formed part of the construction of the 18th-century mill, although it may have in part utilised an existing leat or natural channel.

3.15 By the mid-18th century, the area adjacent to the mill was known as Mill Close (or Milne Close). This was in the possession of Thomas Lewin, who retained the property until the early 19th century when it was sold to Henry Ibbetson. In 1848, Ibbetson sold the land and associated Shacklock Hall to William Henderson, owner of the carpet manufactory following the death of Gilbert Henderson in 1829.

3.16 Shacklock Hall appears on Armstrong's map as a U-shaped building opposite the mill, on the site of Millennium Place. Soon after purchasing the building, Henderson demolished it as part of expansion of the carpet manufactory. The new development included the construction of large weaving sheds for both hand and power looms.

3.17 The extent of the carpet manufactory redevelopment is shown on the First Edition 6-inch OS map, located to the east of the old corn mill. A row of cottages known as 'Freeman's Place' was constructed in the area now occupied by the Passport Office. The cottages were built to house the increasing number of textile workers moving into the Walkergate area. Evidence of the 19th-century cottages was found in excavations in 2012.

3.18 The course of the mill race is shown in detail for the first time on the 1857 map, running along what is now the east boundary of The Sands car park and turning north-west at the bend in the road to run back down to the river. The race is widest at the point it re-enters the river, opposite Crook Hall. A comparison of the First Edition map with the later OS editions also provides some indication of the degree of land reclamation and revetment along the river bank in the late 19th through to the mid-20th century.

3.19 Within the boundary of ASA 1, two linear features, presumably paths, are shown on the map leading north from the Freeman's Place cottages. These converge at the discharge of the mill race, where a ford crossing is marked on the Second Edition OS map, published in 1895.

3.20 On the east side of Freeman's Place, a 'rope walk', which is generally associated with the production of rope and cordage, runs north from the carpet manufactory, following the curve of the west boundary of ASA 2. The escarpment marking the line

of the palaeochannel is also shown crossing the area. The distinctive shape of this plot of land is first shown on Armstrong's map of 1768 and clearly relates to convergence of the two key medieval routes, namely Freeman's Place (Walkergate) leading to Kepier from the city, and Providence Row, an old back lane running up through the medieval tenements along Claypath to provide access to the plough lands. A second, smaller rope walk is shown crossing The Sands Recreation Area to the north of ASA 1.

3.21 The Second Edition 25-inch OS map, published in 1895, shows the area in greater detail than the earlier 6-inch map, although the basic layout of the Site remained unchanged. A small footbridge is shown crossing the mill race about halfway along, associated with a footpath leading to the rear of the Freeman's Place cottages. At the north end of the path is a ferry crossing, just south of where the mill race joins the river. This was probably a chain ferry and likely to leave very little in terms of archaeological evidence. The introduction of mechanised winding would see both rope walks disappear by this period.

3.22 To the south of the area, the Henderson carpet manufactory continued to expand during the late 19th century but was forced to close in 1903. Shortly after the closure, a former employee, Hugh MacKay, took over the works and began trading once again. The MacKay factory continued to flourish until 1980, when the works was badly damaged in a fire and the decision was made to move production to the Dragonville Industrial Estate.

3.1 The Third Edition 25-inch OS, published in 1919, shows little change within ASA 1, apart from the addition of a series of linear enclosures on the south side of the site, possibly allotments associated with the Freeman's Place cottages. There was, however, considerable change on the east side of Freeman's Place road in the early part of the 20th century.

3.2 A laundry was constructed within ASA 2, creating a new property plot at the north end of the former pasture field, which remains in situ today.

3.3 The Durham Girls' County School was constructed in 1913 to designs by W. Rushworth. Known locally as the 'School on the Sands', it initially accommodated 248 girls and was officially opened on 21st January 1914 by Dr Hensley Henson, the Dean, and later Bishop of Durham. In 1969, the school became co-educational and, in 1984, a sixth form school.

3.4 The main building was constructed on the east side of the field to the south of ASA 2. It was a double-facade building, facing east onto Providence Row, but with the main entrance from Freeman's Place to the west; this was marked by a small lodge building, which remains extant today.

3.5 The creation of the school further sub-divided the old pasture field: the north plot occupied by the school and its associated grounds and the south plot by the MacKay carpet manufactory.

3.6 By the time of the publication on the Fourth Edition 25-inch OS in 1939 (Fig. 8), the mill race had been partially infilled and the Freeman's Place cottages demolished. An incinerator (with associated chimney) is shown in the south-west corner of ASA 1, located just south-east of the Penny Ferry Bridge anchorage. Access in and out of the incinerator plant was via the footbridge over the mill race first depicted on the 1895 OS map.

3.7 During the early 20th century, there appears to have been a significant period of riverside consolidation and revetment, particularly along the north-west edge of the site, blocking off the partially silted mill race discharge. Both the ferry and ford had ceased to operate by this time.

3.8 Within ASA 2, two new buildings were added to the laundry between 1919 and 1939, facing north onto Providence Row. Otherwise, there appear to have been few visible changes in the layout of the complex. To the south, the school continued to expand with the addition of new structures immediately south of the main building, as well as the laying out of a tennis court in the space between the lodge building and the southern boundary; this remains extant.

3.9 A post-war aerial photograph of the site, dated December 1945, shows the incinerator in ASA 1 still standing. A dark linear feature visible immediately east of the building represents the remains of the partly back-filled mill race. Other than these elements, the area seems void of features, although the quality of the photograph is quite poor.

3.10 Within ASA 2, the photograph provides an indication of the considerable size of the laundry complex. This was clearly an industrial enterprise and almost certainly a steam laundry, although a chimney is not immediately visible. Historic Google Earth imagery shows a large complex with what would appear to be a double-gabled main building with a series of sheds to the rear, and a linear ancillary range (probably

including stables) along the south-east boundary. The complex was expanded between the 1945 and 2001 to include further sheds to the west and east of the main building.

3.11 The laundry was demolished c.2002 and the site cleared. Today parts of the ancillary range still survive in situ and may require further assessment and recording prior to demolition, subject to an appropriate risk assessment.

3.12 The Sands car park (ASA 1) is first marked on the 1970 edition of the OS map. It served the Durham Ice Rink, located immediately to the south, which was built in 1947. This replaced and earlier canvas covered rink, built in 1940, which was destroyed by fire in 1944. The post-war structure remained in use until 1996 when the rink closed and re-opened as a bowling alley and health and fitness centre. It was demolished in 2012 in advance of the construction of the Passport Office.

Previous archaeological investigation and boreholes

3.13 There has been a considerable number of previous archaeological investigations in the vicinity of the Site in recent years. These events include small-scale trial trenching within The Sands car park.

The Sands Car Park (ASA 1)

3.14 In 1998, NAA excavated two trial trenches in The Sands car park as part of preliminary work associated with the Walkergate Millennium development. The trenches were located primarily to assess the presence, nature and condition of the former mill-race. These identified modern dump deposits, with no structural evidence of the mill-race observed.

Borehole data

3.15 In addition to the two trial trenches, a number of geotechnical boreholes have been excavated across ASA 1. Between 1977 and 1979, Durham University excavated six boreholes in the vicinity of the former ice rink (HER E15345: Boreholes 1–4 dug in 1977; E15344: Boreholes A–B dug in 1979). The boreholes were dug from a ground surface level of between 30.80m and 32.24m OD. Beneath the car park surface, 'made-ground' deposits measured 0.37–4.30m deep, and comprised ash, sand, rubble, building material and clay.

Archaeological investigation in the surrounding area

The Sands Recreation Area

3.16 In 2004, geophysical survey and evaluation trenching was carried out on The Sands Recreation Area, immediately to the north of ASA 1, in advance of creation of a temporary car park (HER E62076 and E62079). Three trenches were excavated to investigate two anomalies on the geophysical survey. In the two southern trenches adjacent to the north end of ASA 1, the remains of a small building were recorded, probably associated with the ferry crossing shown on historic OS maps. A third trench identified the remains of a cinder path. All three were covered by a sequence of tipping and levelling deposits.

3.17 Three machine-dug geotechnical pits were also monitored as part of the ASUD investigations. In all three, the topsoil varied in thickness from 0.15m to 0.30m. Below the topsoil there was a sequence of levelling deposits comprising brick fragments, stone rubble and clinker, within a matrix of silty sand. These deposits contained sherds of 19th- and 20th-century pottery. Apparently undisturbed light brown silty sand was recorded between 0.7m in TP1 and 0.45m OD in TP2 and 3.

The Former Ice Rink (Passport Office)

3.18 In 2012, eight trial trenches and seven test pits were excavated in advance of the construction of construction of the new Passport Office (HER E43069). Structural remains dating from the mid-18th to the late 20th century were identified, including the remains of the 19th-century cottages at Freeman's Place and the post-War ice rink.

3.19 Two trenches were excavated immediately south of ASA 1. Both comprised successive layers of made-ground, rubble and hardcore crush. No archaeological features were observed in either trench and no structural evidence associated with the mill race was found. However, levels taken at the head race suggest deposits may survive to a depth of 0.7m below the excavated trench depth.

Area North of the Sixth Form Centre (ASA 2)

3.20 No previous archaeological evaluation has taken place within ASA 2. Four boreholes were drilled near to the ASA in 1969, but these cannot be accurately located. A depth of 1.7–3.6m of made ground was recorded in the boreholes, comprising 'dirty' sand, coal and mortar overlying alluvial sands and gravels and glacial drift deposits.

Freeman's Place

3.21 Following evaluation trenching, an excavation was carried out to the south of ASA 2 in 2006 in advance of the construction of the Freeman's Quay Leisure Centre (HER 9745).

3.22 At least two phases of medieval activity were identified. The earliest phase comprised a boundary/drainage ditch with associated features, all of which were sealed by the primary alluvial fill of a palaeochannel. This contained a quantity of abraded pottery sherds dating to the 13th century.

3.23 The channel was potentially the result of a single flood event similar to that witnessed in the fields around Shincliffe in 2009. It ran south-west to north-east at the foot of the escarpment leading from Claypath, and was approximately 38m wide, although the eastern edge of the feature extended beyond the excavation area. Where observed, it had a maximum depth of 1.14m below the modern ground level. Based on both the projected course of the feature and the evidence of the First Edition OS map, the channel should continue north into ASA 2, bisecting the area from east to west.

3.24 Following the deposition of the primary alluvial fill, a second ditch was cut through the deposit on the same alignment as the earlier phase. The fill of this feature was found to contain pottery dating from the 13th to 15th centuries. Palaeoenvironmental evidence indicated a wet environment within the feature with hedgerows close-by and disturbed waste ground forming part of the wider landscape with evidence for grazing animals. This suggested that the ditch (and probably its earlier manifestation) was functioning as a boundary and/or drainage ditch, demarcating the pasturelands to the north and west from the main settlement to the east.

3.25 The results of the excavation suggest that ASA 2, and probably ASA 1, formed part of the parish grazing land from the 13th into the 15th century. Sandstone architectural fragments and roof tile, together with glazed ceramic roof and floor tile were also recovered from the ditch fill at Freeman's Place, suggesting a medieval building of some form in the vicinity. The location of such a building remains unknown, as all of the material was redeposited.

4.0 AIMS AND OBJECTIVES

4.1 The principal objectives of the archaeological evaluation were:

- to establish the presence, nature, extent, preservation and significance of any archaeological remains within each site;
- to provide a record of any such archaeological remains;
- to recover and assess any associated structural, artefactual and environmental evidence;
- to evaluate the potential for further unrecorded significant archaeological remains to be present within the site;
- to determine whether any area within the footprint of the proposed scheme requires archaeological mitigation in advance of, or during, construction works;
- to prepare an illustrated report on the results of the evaluation to be deposited with DCC HER.

5.0 METHODOLOGY

5.1 Trenches 1, 3, 4, 5, 6 and, 7 were excavated using a 6-tonne tracked excavator. Trench 9 was excavated using a JCB type excavator. A toothless ditching bucket was used on both machines to remove the modern deposits relating to the existing ground surface and the made ground beneath. Excavation was generally limited to a maximum depth of 1.2m below the modern ground surface, partly on safety grounds and also because working room was restricted within the car park within ASA 1.

5.2 Sections of the trench were cleaned by hand and all identified layers were photographed in section.

5.3 Written descriptions of all archaeological deposits were recorded on pro forma sheets using the NAA context recording system.

5.4 Drawn records of all archaeological features were produced at a scale of 1:10 for sections and elevations and 1:20 for plans. A planning grid was surveyed in to the Ordnance Survey National Grid. Information was transferred to AutoCAD software and reproduced for incorporation within this report. All levels were tied in to Ordnance Datum.

5.5 Digital images were also taken using a digital SLR camera at a resolution of 10 megapixels.

5.6 Pottery, animal bone and other categories of artefacts were collected as bulk samples. Finds were appropriately recorded and processed using the NAA system.

5.7 All recovered finds were appropriately packaged and stored under optimum conditions. Finds recovery and storage strategies were in accordance with published guidelines (English Heritage 1995; Watkinson and Neal 2001).

6.0 RESULTS

Evaluation

6.1 In the description below, all levels are given as depth below the existing modern ground surface (bgl) and, where relevant, as a height above Ordnance Datum (aOD).

6.2 The works were carried out in accordance with a written scheme of investigation (WSI) prepared by NAA (2018). Modifications to the proposed trench layout and sizes were made to avoid buried services and allow for spoil storage within the confined work areas (Fig. 2).

6.3 In ASA 1, a total of six trenches were excavated. Trench 2 was not excavated due to proximity to multiple public rights of way and buried services. Trench 8, which was located just outside ASA 1, was not excavated due to access issues. As a result, the proposed scheme of environmental sampling within ASA 1 was also not carried out due to the same access issues.

6.4 In ASA 2, Trench 9 was moved to better target the line of a possible palaeochannel and avoid the structural remains of the laundry building.

6.5 The site code used was TSD18 and a total of 41 contexts were recorded (Appendix A), which were allocated numbers running from 1 to 41.

ASA 1

6.6 Trench 1 (not illustrated) was the southern most of the excavated trenches in ASA 1. It measured 2m by 2m and was excavated up to a depth of 1m. The upper deposits (**10**, **11**, **13** and **15**) related to the existing car park, its construction and landscaping and extended to 0.5m bgl. Beneath these deposits was a compacted black gravel and tar deposit (**16**) which extended across the trench and measured up to 0.15m thick. This was seen in all of the trenches excavated in ASA 1. This is likely to be a bedding layer for the construction of the existing car park. Sealed by this layer and extending to the base of the trench (up to 0.35m thick) was a loose deposit (**17**) formed of gravel, clinker and small fragments of metal slag. This was consistent with 19th or 20th

century dumping on waste or unused ground and contained glass bottles, pottery, and general waste. This layer was also seen in Trenches 3, 4 and 5. A similar layer, but not necessarily continuous, was also seen in Trench 9 within ASA 2.

6.7 Trench 3 (Fig. 3) was located in the central part of ASA 1, to the north of Trench 1. A buried service (a ceramic surface water drain) was encountered in the northern end of the trench at 0.7m bgl. As such, it was only possible to achieve the maximum working depth of 1.2m in the southern part of the trench. The fully excavated part of the trench was 2.5m long and 2.0m wide, though the overall length of the trench was 5.0m. The sequence of deposits was very similar to that seen in Trench 1. Deposits **18** and **19**, related to landscaping of the car park, while deposit **20** represented the compact gravel and tar bedding layer. Combined, these extended to a depth of 0.55m bgl. The gravel and clinker layer (**21**) extended beneath **20** and beyond the base of the mechanically excavated trench at 1.2m bgl. A small, hand-dug sondage was excavated into the base of the trench to ascertain the depth of deposit **21**. This was excavated a further 0.4m before a safe working limit was reached. The base of the deposit was not seen, indicating that deposit **21** extended at least 1.6m bgl in this trench and was greater than 1.0m thick.

6.8 Trench 4 (not illustrated) was located 8m north of Trench 3, also in the central part of the site. Again, a buried service (a ceramic surface water drain) was encountered in the northern end of the trench at 0.7m bgl. Therefore, it was only possible to achieve the maximum working depth of 1.2m in the southern part of the trench. The fully excavated part of the trench was 3.5m long and 2.0m wide, although the overall length was 6.6m. The stratigraphy was very similar to Trench 3. Deposits **22**, **23** and **24** all related to landscaping of the car park, with deposit **25** representing the compact gravel and tar bedding layer. The combined depth of both was 0.6m bgl. The gravel and clinker layer (**26**) extended beneath deposit **25** beyond the base of the excavated trench at 1.2m bgl. As a result, deposit **26** was greater than 0.6m thick.

6.9 Trench 5 (Fig. 3) was the northern most trench excavated within ASA 1. It was 4.6m long and 2.0m wide. Due to the proximity of several buried services, the trench was slightly shorter than proposed in the WSI, and its orientation changed. In addition, because of the slightly different nature of the lower deposits, a narrow machine excavated sondage was excavated into the base of the trench from 1.2m bgl, the depth of which was 0.4m. The upper layers were the same as those seen in the other trenches, with **28** and **29** being car park landscaping, and **30** being the compact

gravel and tar bedding layer. Combined, these extended to 0.5m bgl. Beneath these, the gravel and clinker layer (**31**) was observed, but was less substantial than previously observed, being only 0.46m thick. Beneath this layer, a further deposit of demolition rubble (**32**) was observed in a light greyish brown sandy silt matrix, with lenses of gravel and clinker, which was recorded up to a depth of 0.6m within the sondage. Demolition rubble (**32**) overlay a homogenous band of silty clay (**33**) up to 0.2m thick. The base of this deposit was reached and the top of the next deposit (**34**) was exposed. This consisted of gravel and metallic slag, several large fragments of which were recovered as a sample. No further excavation was possible due to the depth of the trench and deposit **34** was recorded and left in situ.

6.10 Trenches 6 and 7 (not illustrated) lay at the western extent of ASA 1 close to the existing river terrace. Trench 6 was 4m long and 2m wide. The car park landscaping deposits in Trench 6 (**39**, **40** and **41**) extended to 0.8m bgl, before exposing the top of the compact gravel and tar layer (**42**). No further excavation took place in Trench 6.

6.11 Trench 7 was 10m to the north of Trench 6. It was 5m long, 2m wide and excavated to a depth of 1m. The landscaping deposits and gravel and tar bedding layer (**35**, **36** and **37**) extended to 0.76m bgl. These sat directly on top of a large modern dump of stone sets (**38**), which extended to the base of the trench. No further excavation took place in Trench 7. In both Trench 6 and 7 only modern deposits were encountered, indicating terracing activity when the car park was constructed.

ASA 2

6.12 Trench 9 (Fig. 3) lay in ASA 2, to the north of the sixth form centre. It was oriented north-west to south-east, and was 19.4m long and 2.0m wide. It was moved 3.4m to the south from the location proposed in the WSI to avoid an area of reinforced concrete. The trench was excavated to a depth of 1.2m bgl. At this depth an extensive dumping deposit (**8**) was exposed across the full extent of the trench, which comprised clinker and gravel with frequent domestic waste inclusions. A 1m deep sondage was excavated into this deposit in the western end of the trench, extending for 3.0m in length and 1.0m in width. This sondage was only visually inspected due to the depth of the trench, but the deposit within it appeared the same as deposit **8**. However, for clarity a separate context number (**9**) was allocated to the material excavated from the sondage

6.13 Sealing deposit **8** was a 0.4m thick levelling layer (**7**) comprised of a firm light brownish yellow silty sand. Overlying this layer was a thin (0.15m thick) dark brownish grey sandy clay (**2**). This may have been the ground surface related to the laundry building to the east. At the eastern end of the trench, two features cut this horizon. Feature **4** was greater than 2.0m long, 1.8m wide and 0.82 deep. It was filled with building rubble (**3**), predominately brick and mortar in a sandy matrix. Feature **6** was of an unknown length, 5.6m wide and 0.9m deep and located at the eastern end of the trench, it too was filled with building rubble (**5**) and mortar in a sandy matrix. The fills of both of these cuts contained modern brick. It is likely that these cuts relate to the demolition of the 20th century laundry buildings to the east. The existing ground surface (**1**) is comprised of black gravel.

6.14 No environmental deposits were taken during the course of the works.

7.0 DISCUSSION

ASA 1

7.1 Within the trenches excavated in ASA 1, no structural features and no deposits predating the 19th century were observed. Trenches 6 and 7 encountered only modern layers relating to the car park and its terracing. With the exception of Trenches 6 and 7, the layers relating to the car park typically extended to around 0.55m to 0.6m bgl. Below this, an extensive deposit of gravel and clinker, with considerable amounts of domestic waste, was observed across the whole area. The only place where the deposits underneath the widespread clinker layer were investigated was Trench 5. Within this trench, a sequence of large dumps underlay the clinker. These layers represent individual dumps of waste material in the area. It may be that these larger, more substantial dumps (as opposed to continuous small scale dumping episodes represented by deposit **31**) indicate a deliberate attempt to level the area around the mill race to the east. This compares well with cartographic evidence from the Ordnance Survey maps, with the 1895 OS map showing the water course still active, while the 1939 OS map indicates the race as a partially surviving earthwork.

ASA 2

7.2 Trench 9 was the only trench excavated within ASA 2. The depositional sequence within this trench seems to indicate that the area was waste ground in the 19th century and used for dumping material in a similar way to that seen in ASA 1. Then the area appeared to be levelled (with deposit **7**), possibly prior to the construction of

the laundry in the 20th century. Evidence of the demolition of the laundry is also present in the form of two modern cuts (**4** and **6**).

7.3 The machine excavated sondage at the western end of Trench 9 extended the trench to a depth of 2.0m bgl. Here, the character of the material had not changed, with dumped material present at the base of the sondage. As such, there is no evidence to suggest that deposits earlier than the 19th century were observed within Trench 9. Therefore, these works were unable to evaluate the medieval deposits or the palaeochannel, which were encountered in the Freemans Place excavation to the south of ASA 2 (NAA 2007). It is possible that the deeper element of the waste dumps (**9**) in Trench 9 lie within an unseen cut feature, which may explain the depth of this deposit. However, deposit **8** is consistent across the entirety of the trench, indicating at the very least that 19th to 20th century made ground deposits extend to 1.2m bgl.

7.4 Despite the lack of evidence for medieval archaeology, the potential for surviving medieval deposits beneath the made ground layers still exists and groundworks that extend below these may still have an impact that requires archaeological mitigation.

8.0 ARCHIVE DEPOSITION

8.1 The full archive from the archaeological investigations, including paperwork, drawings, photographs, digital data and the finds assemblage, is to be deposited with Durham University Museums.

8.2 An OASIS form will be completed on the results of the evaluation within three months of the completion of the work. This will be subsequently validated by DCC's Principal Archaeologist after which it becomes a public document for submission or incorporation into the HER.

REFERENCES

English Heritage (1995) *A Strategy for the Care and Investigation of Finds*. Swindon: English Heritage

NAA (2007) *Freeman's Place, Durham City Archaeological Post-Excavation Assessment Report*. Northern Archaeological Associates Report **07/36**.

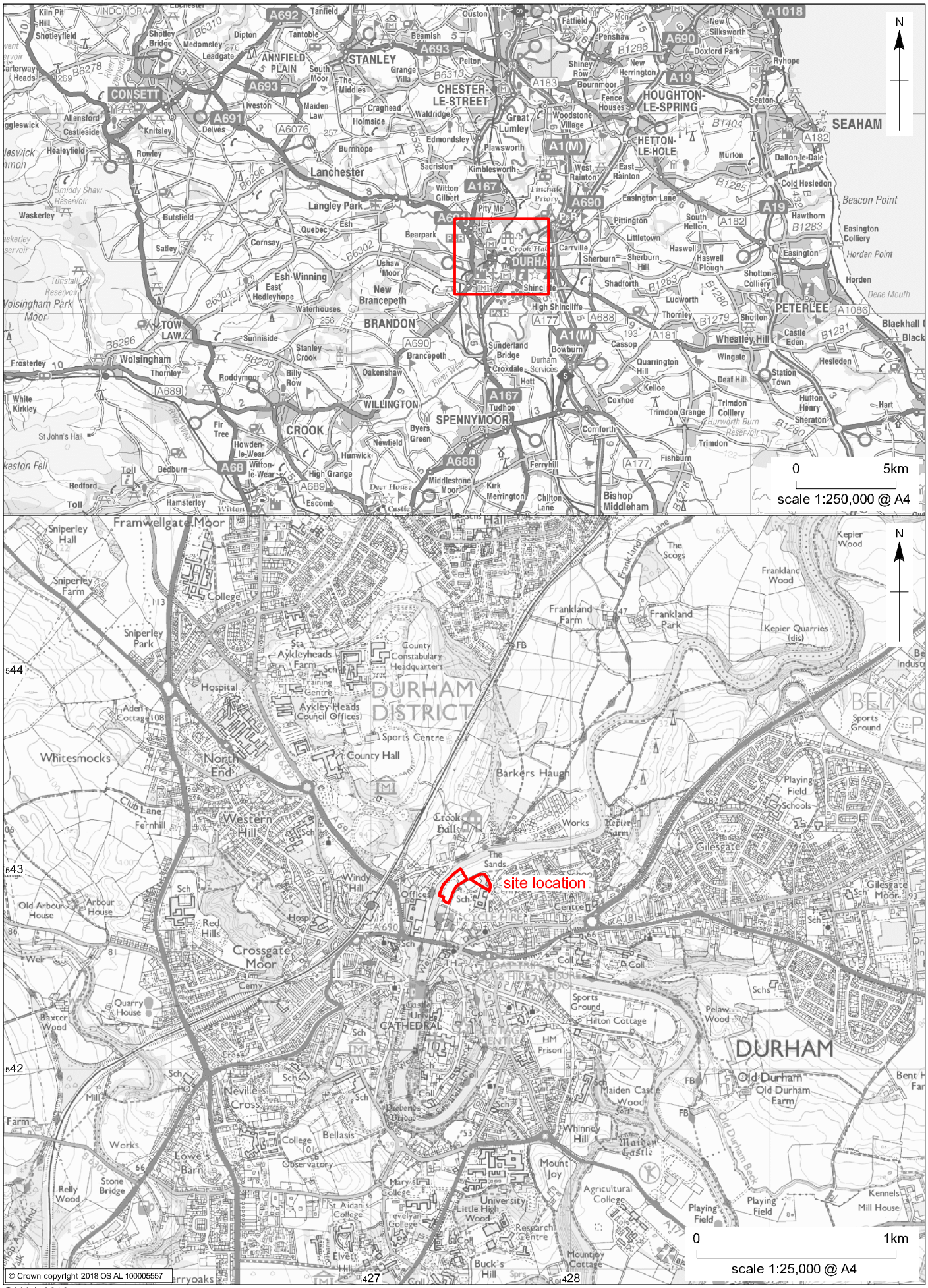
NAA (2018) *The Sands and Durham Sixth Form Centre Car Parks, Walkergate, Durham City: Desk-Based Assesment and Written Scheme of Investigation for Archaeological Evaluation*. Northern Archaeological Associates Report No. **18/38**.

Watkinson, D. and Neal, V. (2001) *First Aid for Finds.* Third edition. RESCUE/UKICAS.

APPENDIX A

CONTEXT CATALOGUE

Context	Trench	Interpretative description
1	9	Existing ground surface
2	9	Compressed soil horizon
3	9	Fill of modern cut 4
4	9	Modern cut
5	9	Fill of demolition cut 6
6	9	Demolition cut
7	9	Sandy silt levelling layer
8	9	19th-century dumping deposit
9	9	19th-century dumping deposit, in machine sondage
10	1	Topsoil
11	1	Light grey gravel
12	-	VOID
13	1	Brownish yellow gravel
14	-	VOID
15	1	Reddish sandy gravel, frequent brick inclusions
16	1	Black gravel dump
17	1	19th-century dumping deposit
18	3	Topsoil
19	3	Crushed grey stone
20	3	Mixed soil layer
21	3	19th-century dumping deposit
22	4	Topsoil
23	4	Dark grey sandy soil deposit
24	4	Construction layer for car park
25	4	Levelling layer for car park
26	4	19th-century made ground
27	4	Ceramic drain
28	5	Topsoil
29	5	Car park construction layer
30	5	Car park levelling layer
31	5	19th-century dumping deposit
32	5	Rubble dump deposit
33	5	Firm clay silt layer
34	5	Slag and clinker layer
35	7	Topsoil
36	7	Modern crushed dolomite
37	7	Car park levelling layer
38	7	Modern terracing deposit
39	6	Topsoil
40	6	Modern crushed dolomite
41	6	Mixed terracing deposit
42	6	Car park levelling layer



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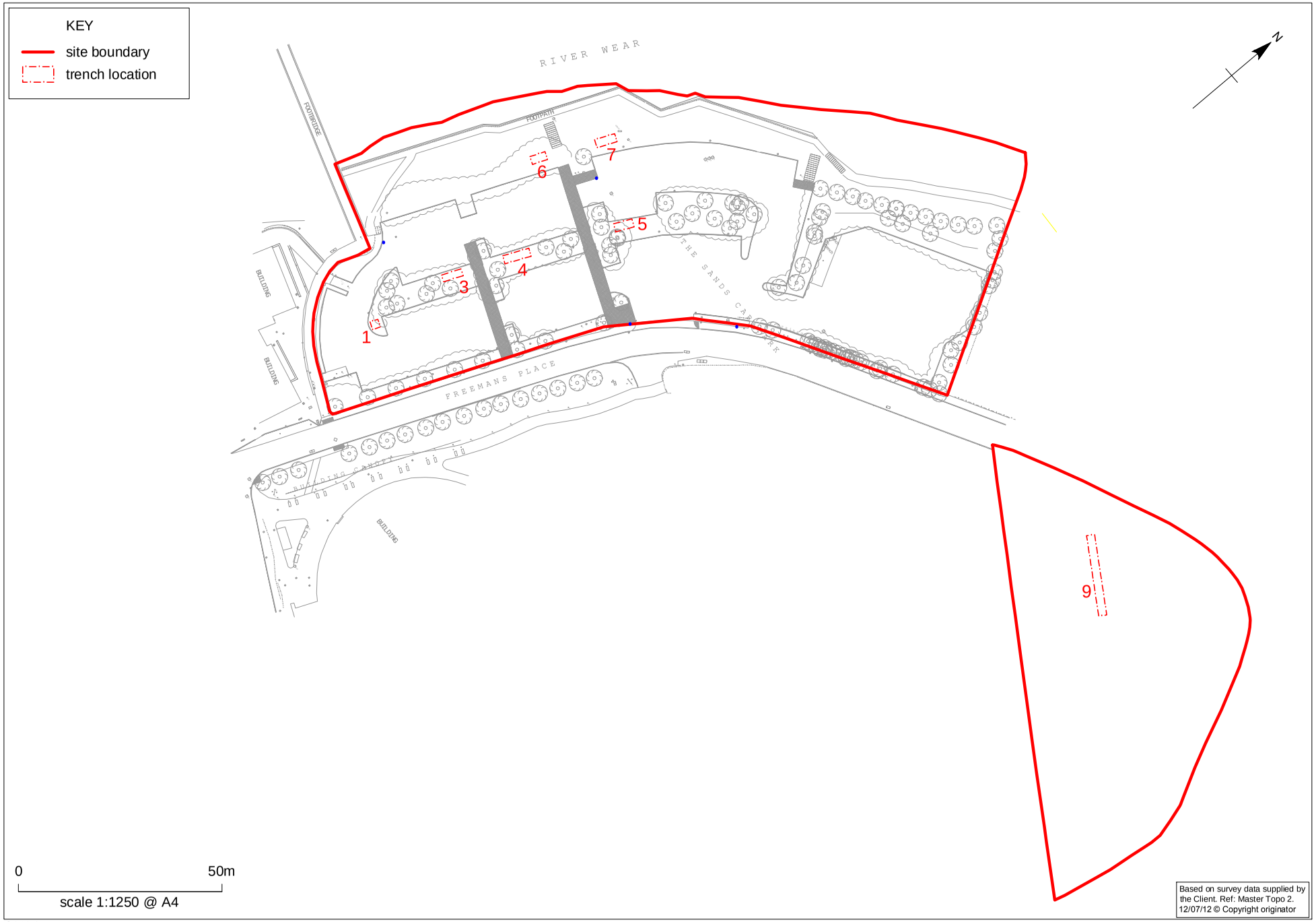
The Sands, Durham: site location

Figure 1



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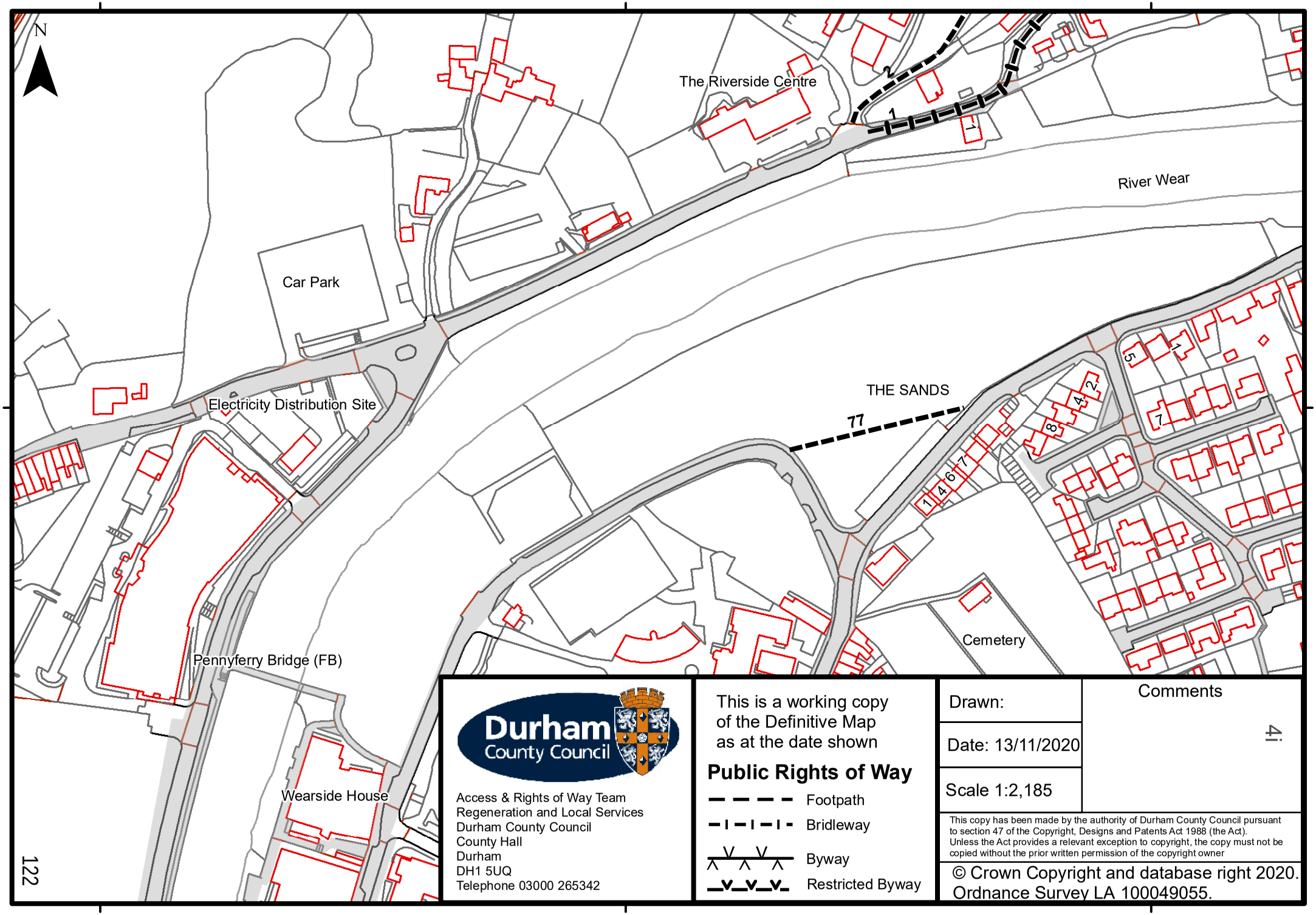
The Sands, Durham: location of trial trenches

Figure 2



Durham County Council

Access & Rights of Way Team
Regeneration and Local Services
Durham County Council
County Hall
Durham
DH1 5UQ
Telephone 03000 265342

This is a working copy of the Definitive Map as at the date shown

Public Rights of Way

- Footpath
- Bridleway
- Byway
- Restricted Byway

Drawn:

Date: 13/11/2020

Scale 1:2,185

Comments

4i

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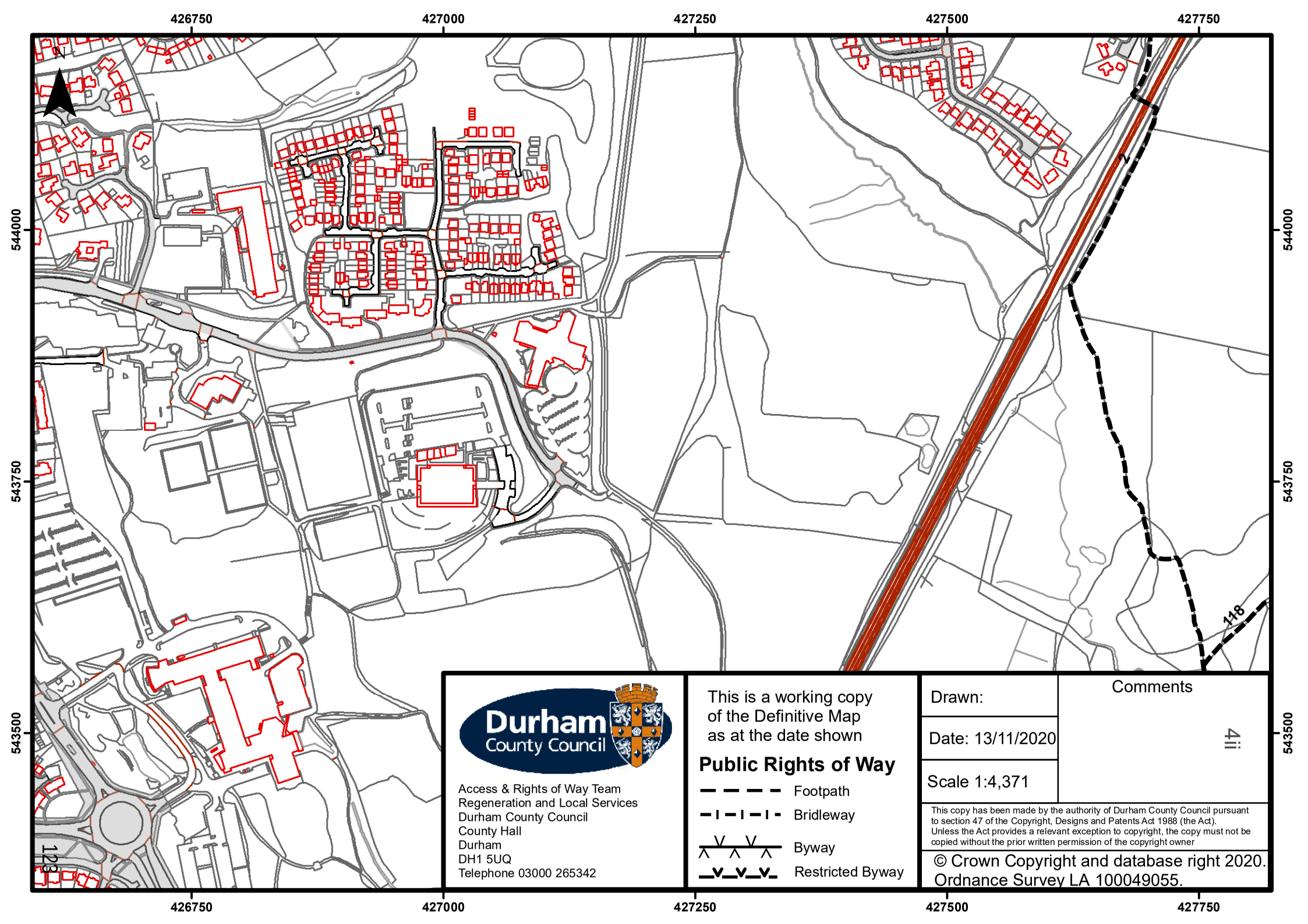

Durham County Council

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Public Rights of Way

- Footpath
- Bridleway
- Byway
- Restricted Byway

Drawn:

Date: 13/11/2020

Scale 1:4,371

Comments

4ii

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Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Official copy of register of title

Title number DU312002 | Edition date 07.06.2017

- This official copy shows the entries on the register of title on 03 JUL 2020 at 15:59:17.
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- Issued on 03 Jul 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Durham Office.

A: Property Register

This register describes the land and estate comprised in the title.

COUNTY DURHAM

1 (23.06.2008) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at The Sands, Durham.

2 (23.06.2008) The mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.

3 (28.03.2012) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

4 (28.03.2012) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer which included the land edged and numbered DU332103 in green on the title plan dated 16 March 2012 made between (1) The County Council of Durham and (2) Homes and Communities Agency.

NOTE: Copy filed under DU332103.

5 (15.05.2015) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered DU349524 in green on the title plan and other land dated 13 April 2015 made between (1) Durham County Council and (2) County Durham Housing Group Limited.

NOTE: Copy filed under DU212934.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (24.04.2009) PROPRIETOR: THE COUNTY COUNCIL OF DURHAM care of The Chief Conveyancer, Legal Services, County Hall, Durham DH1 5UL.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (23.06.2008) The land is subject to the rights granted by a Deed dated 17 December 2002 made between (1) Durham City Council (2) AMEC Developments Limited and (3) Northumbrian Water Limited.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

2 (23.06.2008) The land is subject to the rights granted by a Deed dated 16 August 2004 made between (1) Durham City Council (2) Durham Diocesan Board of Finance (3) Roger Charles Norris and (4) Henry Alan Atkinson.

NOTE: Copy filed.

3 (27.01.2015) An Agreement dated 16 January 2015 made between (1) Northumbrian Water Limited (2) Homes and Communities Agency (3) Legal and General (Pensions Management) Limited (4) The County Council of Durham and (5) Carillon (Maple Oak) Limited relates to the diversion of a public sewer at Freemans Reach.

NOTE: Copy filed.

4 (27.01.2015) The land is subject to the rights granted by a Deed dated 16 January 2015 made between (1) Homes and Communities Agency (2) The County Council of Durham and (3) Legal and General Assurance (Pensions Management) Limited.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

End of register

These are the notes referred to on the following official copy

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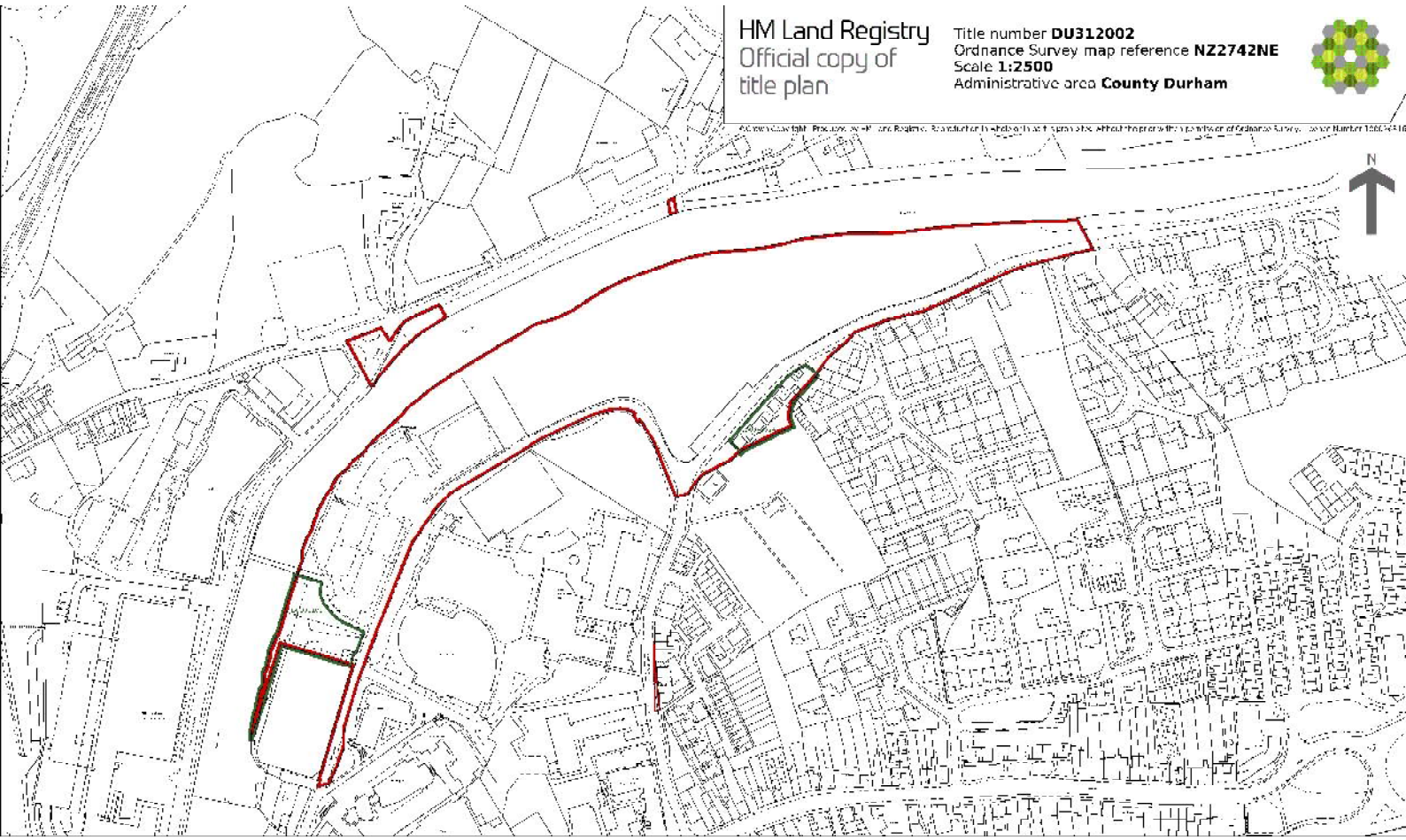

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This Indenture

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Aldermen and Commonalt
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have by deed bearing date the eighth Day of December instant surrendered and yielded up into His Lordships ha
intended to be hereby demised and which by the last Indenture of Lease thereof bearing date the twenty first
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John Burrell, Son of Robert Burrell one of the Proctors of the Consistory Court of Durham, Aged then about sixteen Yea
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DURHAM
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Indenture

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aght **Between** the Right Reverend Father in God Edward by the Grace of God Lord Bishop
Aldermen and Commonalty of the City of Durham and Framwellgate of the other part Wi
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December instant surrendered and yielded up into His Lordships hands all their Estate and Interest in and to the Borough and A
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made the twelfth Day of December in the twelfth Year of the Reign of our Sovereign Lady Victoria by the Grace of God of the United
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eight Between the Right Reverend Father in God Edward by the Grace of God Lord Bishop of Durham of the one part and The Mayor
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Gentlemen his true and lawful Attorneys and Attorney jointly or severally for him and in his name into th
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have set their Corporate Seal the Day and Year first above written.

132

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and all manner of necessary Reparations And at the end or other sooner determination of the said Term shall and will leave
And the said Reverend Father doth by these presents constitute and appoint Thomas Dawson George Young Wall and James A
and Attorney jointly or severally for him and in his name into the said Houses and Buildings called the Tole Booth and in
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Year first above written /.

133

City and Borough aforesaid And also all Courts and liberty to hold Courts within the said Borough as well the Borough Court
said Borough Court for the time being in such manner as the said Courts have been usually kept for the Bishop there for the time
ree Freeholders and Inhabitants of the City and Borough of Durham aforesaid at the said Head Courts and other Courts kept within the said
Courts and every of them To Have and to Hold the said Borough and all and singular other the Liberties Priviledges and Premises
nto the said Mayor Aldermen and Commonalty and their Successors from the making hereof for and during the natural Lives of
Wilkinson the Son Aged now about forty nine Years and of John Tiplady Son of John Tiplady Town Clerk of the said City of Durham
nd Paying therefore Yearly during the said Term of three Lives and the life of the longest liver of them unto the said Reverend Father
being at or in the Exchequer at Durham the Rent or Sum of Twenty Pounds of lawful Money of Great Britain by equal quarterly
nter and the Purification of the Blessed Virgin Mary without deduction or abatement for any manner of Taxes or Assesses either
Yearly Rent of twenty Pounds or any part thereof be behind and unpaid by the space of twenty Days next after any of the
n and from thenceforth this present Grant or Lease to cease determine be utterly void and of none effect any thing herein
Aldermen and Commonalty for themselves and their Successors do covenant promise and grant to and with the said Reverend
on and Commonalty and their Successors shall and will from time to time and at all times during the said Term of three Lives
Costs and Charges repair uphold and maintain the said Toll Booth and all other the Houses and Edifices belonging to the
rations And at the end or other sooner determination of the said Term shall and will leave and yield up the same so well and
y these presents constitute and appoint Thomas Davison George Young Hall and James Rain all of the City of Durham aforesaid
him and in his name into the said Houses and Buildings called the Toll Booth and into the rest of the demised Premises or into
or of any part thereof in the name of the whole to have and take and the same so had and taken to
alty do hereby constitute and appoint their lawful Attorney in that behalf for the use of them the said Mayor
The said parties hereby ratifying and confirming whatsoever their said Attorneys or Attorney shall lawfully
hath set his Hand and Seal and the said Mayor Aldermen and Commonalty to another part thereof

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Services Profits and Revenues belonging to the said Reverend Father within the City and Borough [illegible]
as also all Court Leets and Court Barons to be holden before the Steward of the said Borough Court for the time
being Together with the Suit and Services from time to time of all and every the Burgesses Freeholders and Inhabitants
City and Borough And all Fines Amerciaments Perquisites and Profits of the said Courts and every of them To Ha
above mentioned to be hereby demised with their and every of their Appurtenances unto the said Mayor Aldermen
the said John Burrell Aged now about fifty four Years of the said Thomas Wilkinson the Son Aged now abo
Aged about seventeen Years and the life of the longest liver of them Yielding and Paying therefore Yearly du
and his Successors or to his or their Receiver General or Assignee for the time being at or in the Exchequer a
Payments at the Feasts of Pentecost Lammas Saint Martin the Bishop in Winter and the Purification of
by Act of Parliament or otherwise howsoever And if it happen that the said Yearly Rent of twenty pounds
said Feasts or Days at which the same ought to be paid as aforesaid That then and from thenceforth this
contained to the contrary thereof in any wise notwithstanding And the said Mayor Aldermen and Commonalty
Father and his Successors by these presents That they the said Mayor Aldermen and Commonalty and their
and the life of the longest liver of them at their and every of their own proper Costs and Charges repair uph
said demised Premises in by and with all and all manner of necessary Reparations And at the end or other
sufficiently repaired upheld and maintained And the said Reverend Father doth by these presents constitute and
Gentlemen his true and lawful Attorneys and Attorney jointly or severally for him and in his name into th
any part thereof in the name of the whole to enter and peaceable and quiet possession and seizin thereof or of
give and deliver unto the said John Tiplady the Father whom the said Mayor Aldermen and Commonalty do
Aldermen and Commonalty and their Successors according to the true intent and meaning of these presents The
do in and concerning the Premises In Witness whereof the said Reverend Father to one part of these presents hat
have set their Corporate Seal the Day and Year first above written &c.

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Durrelmt.

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belonging to the said Reverend Father within the City and Borough aforesaid And also all Courts and Liberty to hold Co
urt Barons to be holden before the Steward of the said Borough Court for the time being in such manner as the said Courts
Services from time to time of all and every the Burgesses Freeholders and Inhabitants of the City and Borough of Durham aforesaid at
nes Amerciaments Perquisites and Profits of the said Courts and every of them To Have and to Hold the said Borough and all
mised with their and every of their Appurtenances unto the said Mayor Aldermen and Commonalty and their Successors from
now about fifty four Years of the said Thomas Wilkinson the Son Aged now about forty nine Years and of John Tiplady / So
the life of the longest liver of them Yielding and Paying therefore Yearly during the said Term of three Lives and the life
or their Receiver General or Assignee for the time being at or in the Exchequer at Durham the Rent or Sum of Twenty Pou
Pentecost Lammas Saint Martin the Bishop in Winter and the Purification of the Blessed Virgin Mary without deduction or
therwise howsoever And if it happen that the said Yearly Rent of twenty pounds or any part thereof be behind and unpaid
the same ought to be paid as aforesaid That then and from thenceforth this present Grant or Lease to cease determine be
of in any wise notwithstanding And the said Mayor Aldermen and Commonalty for themselves and their Successors do covenant
these presents That they the said Mayor Aldermen and Commonalty and their Successors shall and will from time to time
liver of them at their and every of their own proper Costs and Charges repair uphold and maintain the said Toll Booth and
and with all and all manner of necessary Reparations And at the end or other sooner determination of the said Term shall
d maintained And the said Reverend Father doth by these presents constitute and appoint Thomas Davison George Young Wall
ful Attorneys and Attorney jointly or severally for him and in his name into the said Houses and Buildings called the To
of the whole to enter and peaceable and quiet possession and seizin thereof or of any part thereof in the name of the whole
id John Tiplady the Father / whom the said Mayor Aldermen and Commonalty do hereby constitute and appoint their lawful
nd their Successors according to the true intent and meaning of these presents The said Parties hereby ratifying and confirming
premises In Witness whereof the said Reverend Father to one part of these presents hath set his Hand and Seal and the said May
the Day and Year first above written./.

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said Borough Court for the time being in such manner as the said Courts have been usually kept for the Bishop there for the time
ses Freeholders and Inhabitants of the City and Borough of Durham aforesaid at the said Head Courts and other Courts kept within the said
Courts and every of them **To Have and to Hold** the said Borough and all and singular other the Liberties privileges and premises
nto the said Mayor Aldermen and Commonalty and their Successors from the making hereof for and during the natural Lives of
Wilkinson the Son Aged now about forty nine Years and of John Tiplady (Son of John Tiplady Town Clerk of the said City of Durham)
nd Paying therefore Yearly during the said Term of three Lives and the life of the longest liver of them unto the said Reverend Father
being at or in the Exchequer at Durham the Rent or Sum of Twenty Pounds of lawful Money of Great Britain by equal quarterly
Winter and the Purification of the Blessed Virgin Mary without deduction or abatement for any manner of Taxes or Assesses either
Yearly Rent of twenty pounds or any part thereof be behind and unpaid by the space of twenty Days next after any of the
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Aldermen and Commonalty for themselves and their Successors do covenant promise and grant to and with the said Reverend
en and Commonalty and their Successors shall and will from time to time and at all times during the said Term of three lives
Costs and Charges repair uphold and maintain the said Toll Booth and all other the Houses and Edifices belonging to the
rations And at the end or other sooner determination of the said Term shall and will leave and yield up the same so well and
by these presents constitute and appoint Thomas Davison George Young Wall and James Rain all of the City of Durham aforesaid
him and in his name into the said Houses and Buildings called the Toll Booth and into the rest of the demised premises or into
ession and seizin thereof or of any part thereof in the name of the whole to have and take and the same so had and taken to
Aldermen and Commonalty do hereby constitute and appoint their lawful Attorney in that behalf for the use of them the said Mayor
meaning of these presents The said parties hereby ratifying and confirming whatsoever their said Attorneys or Attorney shall lawfully
one part of these presents hath set his Hand and Seal and the said Mayor Aldermen and Commonalty to another part thereof

Edw

Durham

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Be it Remembered that on the Sixth Day of January in the Year of our Lord one thousand eight hundred and forty nine George Young Wall one of the Attorneys within named did by virtue of the power and Authority to him within given enter into the Toll Booth within mentioned in the name of the whole of the premises within demised and for and in the name of the within mentioned Edward Lord Bishop of Durham peaceable and quiet possession and seizin thereof did take and the same so had and taken did give and deliver unto the within named John Fiplady the Father the Attorney of the within named Mayor Aldermen and Commonalty in that behalf by the within written Indenture lawfully authorized to take and receive the same To Hold and keep such possession and seizin so given and delivered unto the said John Fiplady the Father To the use of the said Mayor Aldermen and Commonalty and their Successors according to the true intent and meaning of the within written Indenture of Lease.

In the presence of us

Wm Darling

John Day

Dated 12th December 1848

Edward Ld Bp of Durham

Lease

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Signed Sealed and Delivered (being first duly Stamped) in the presence of }
Robert Berkley. Butler to the Bishop of Durham.

Be it Remembered that on the Sixth Day of Janu one thousand eight hundred and forty nine George Young within named did by virtue of the power and authority to the Toll Booth within mentioned in the name of the whole and for and in the name of the within mentioned Edward and quiet possession and seizin thereof did take and the same and deliver unto the within named John Fiplady the Ma named Mayor Aldermen and Commonalty in that behalf by the lawfully authorized to take and receive the same To Hold a seizin so given and delivered unto the said John Fiplady the Mayor Aldermen and Commonalty and their Success according meaning of the within written Indenture of Lease.

Dated 12

Edward Ld Bp of Durham

Lease

Dated 12th December 1848

Edward Ld Bp of Durham

to

The Mayor &others
of the City of Durham

Lease of the Borough of Durham and Framwellgate

Term 3 Lives
Rent £20.0.0

) Lands Conveyed to [illegible] Mayor Aldermen [illegible] rights Decd P No 86

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THIS INDENTURE made the Twentieth day of December in the year of our Lord one thousand eight hundred and sixty BETWEEN THE ECCLESIASTICAL COMMISSIONERS FOR ENGLAND of the one part and THE MAYOR ALDERMEN AND CITIZENS OF THE CITY OF DURHAM of the other part WHEREAS by an Indenture of Lease dated the twelfth day of December one thousand eight hundred and forty eight and expressed to be made between the then Lord Bishop of Durham of the one part and the said Mayor Alde men and Citizens of the City of Durham by the name of "The Mayor Aldermen and Commonalty of the City of Durham and Framwelgate" of the other part for the considerations therein mentioned the said Lord Bishop did demise grant and to form let unto the said Mayor Aldermen and Citizens and their Successors All That the Borough of Durham and Framwelgate in the County of Durham And all that house and building within the said City called the Toll Booth with all shops houses and buildings under the same and to the same belonging Together with all Borough rents land Male rents Free rents duties customs and services of the Burgesses freeholders and inhabi ants within the City and Borough aforesaid and the benefit of makin nd admitti Freemen of any trade or trades exercised ithin or of the said City or Borough And likewise all and e ery the markets to be kept eekly on every Saturday within the said City and Borough and all and every fair and fairs to be kept yearly from time to time upon the days accustomed within the said City and Borough with full and free liberty power and authority by themselves their Bailiffs and assigns to take collect and receive to their and very of their use and uses as well ll and every the profits and commodities perquisites pickages stallages scaveltyre scavalcorn or scavage corn tolls tollages customs duties and usages incident and belonging to the sai Markets and Fairs and every of them as the Lands Males Free rents services profits ~~properties~~ and revenues belonging to the said Reverend Father within the City and Borough aforesaid And also al Courts and liberty to hold Courts within the said Borough as well the Borough Court as also all Court Leets and Court Barons to be holden before t e Steward of the said Borough Court for the time being in such manner as the said Courts h ve been usually kept for the Bishop there for the time being Together with the suit and services from time to time of all and every the Burgesses Freeholders and Inhabitants of the City and Borough of Durham afo esaid at the said Head Courts kept ithin the said City and Borough And all Fines Amerciaments perquisites and profits of the said Courts and every of them To hold the same premises with the appurtenances unto the said Mayor Aldermen and Citizens and thei successors from the making of the said lease for and during the lives of John Burrell Thomas Wilkinson and John Tiplady (therein respectively described) and the life of the longest liver of them at under and subject to the payment of the rents thereby reserved and to the performance of the covenants therein contained and by the lessees their successors and assi ns to be observed and pe formed AND HEREAS by an Indenture dated the twenty seventh day of March one thousand one thousand eight hundred and fifty two and expressed to be made between the said Lord Bishop of Durham of the one part and The Durham Markets Company established and incorporated by "The Durham Markets Companies Act 1851" of the other part for the considerations therein mentioned the said Lord Bishop of Durham did grant and convey to the said Durham Markets Company their successors and assigns All that yard or plot or parcel of vacant ground situate and being at the back or west side of the Guild or Town Hall buildings in the parish of Saint Nicholas in the said City being a portion of the hereditaments hereinbefore and in the said recited Lease described as The Toll Booth with the shops houses and buildings under the sam and which had been pulled down And also the Tolls in respect of wheat rye barley oats, peas be ns tares and all other grain brought into the said City of Durahm or the suburbs thereof to be sold and delivered on sale and comprised in the said Lease To hold the said premises ith the appurtenances unto and by the said Durham Markets Company their successors and assigns AND WHEREAS by another Indenture dated the seventh day of November one thousand eight hundred and fifty four and made betw en the said Mayor A dermen and Citi ens of the City of Durham of the one part and the s id Durham Markets Company of the other part for the considerations therein

mentioned the said Mayor Aldermen and Citizens with the approbation of the Lords Commissioners of Her Majesty's Treasur testified as therein mentioned did grant and convey to the said Durham Markets Company their successors and assigns the said tenements hereditaments and premises comprised in the said lastly hereinbefore recited Indenture To hold the same ith the appurtenances unto and by the said Durham Markets Company their successors and assigns for ever according to the true intent and me ning of the said Durham Markets Company Act 1851 AND WHEREAS the lands tenements messuages and hereditaments delineated in the plan hereupon endorsed and containing in the whole eleven acres two roods and thirty one perches or thereabouts are included in and form part of the hereditaments demised by the said hereinbefore recited Indenture of Lease of the twelfth day of December one thousand eight hundred and forty eight AND WHEREAS under and by virtue of the Acts of Parliament relating to the said Ecclesiastical Commissioners for England and of an Order of Her Majesty in Council dated the fourth day of April one thousand eight hundred nd fifty six made in pursuance thereof and duly published in the London Gazette on the twenty second day of the same month ratifying a scheme of the said Ecclesiastical Commissioners therein recited All the manors lands tithes tenements and hereditaments which then belonged either in possession or reversion to Edward the then Lord Bishop of Durham in right of his Bishoprick (except any right of Ecclesiastical Patronage the Episcopal Palace with the grounds thereto belonging and certain hereditaments not demised by the said partly hereinbefore recited Indenture of Lease And all the estate and interest therein of the said Lord Bishop have become and are now vested in the said Ecclesiastical Commissioners and their successors for the purposes of the said Act subject to any legally subsisting lease thereof AND WHEREAS in pursuance of the powers and provisions of the said Acts or some or one of them and of another Act passed in the Session of the sixth and seventh years of the reign of Her said Majesty entitled "An Act to make better provision for the spiritual care of populous parishes" and of an Order of Her Majesty in Council dated the twenty eighth day of April one thousand eight hundred and fifty six and duly published in the London Gazette of the sixth day of May in the same year ratifying a scheme of the said Ecclesiastical Commissioners recited in the same Order the said Ecclesiastical Commissioners have contracted and agreed with the said Mayor Aldermen and Citizens for the absolute sale to them of the reversionary or other estate and interest of them the said Ecclesiastical Commissioners of and in all the said lands hereditaments and premises comprised in and demised by the said hereinbefore partly recited Indenture of Lease and not sold and conveyed to the said Durham Markets Company as aforesaid at or for the price or sum of one thousand three hundred pounds AND WHEREAS the Council of the said City of Durham having represented the circumstances of the case to the Commissioners of Her Majesty's Treasury in accordance with the provisions of the Municipal Corporations Mortgages ETC. Act 1860 the said Commissioners have approved and authorised the said intended purchase by the said Mayor Aldermen and Citizens as is testified by the consent in writing hereunto annexed NOW THIS INDENTURE WITNESSETH that in pursuance of the said Agreement and in consideration of the sum of one thousand three hundred pounds sterling paid by the said Mayor Aldermen and Citizens into the Bank of England to the account of the said Ecclesiastical Commissioners the payment whereof is testified by the Memorandum endorsed on these presents and signed by the Treasurers of the said Ecclesiastical Commissioners They the said Ecc esiastical Commissioners DO hereby grant and convey unto the said Mayor Aldermen and Citizens of Durham and their successors ALL the reversionary or other estate or interest of them the said Ecclesiastical Commissioners expectant and to take effect in possession after the determination of the estate granted by the hereinbefore recited Indenture of Lease of and in All the said lands messuages Borough Tolls Fairs markets Courts Franchises tenements and hereditaments both corporeal and incorporeal hereinbefore described and demised by the said hereinbefore recited Indenture of Lease (except such part or parts thereof as are comprised in and conveyed by the said hereinbefore recited Indentures of the twenty seventh day of March one thousand eight hundred and fifty two and the seventh day of November one thousand eigh

hundred and fifty-four) and which said lands and messuages the reversion whereof is hereby intended to be conveyed are delineated on the two plans severally ndorsed on the last skin of these presents and coloured red Together with all trees ways buildings watercourses lights rights liberties privileges easements profits advantages emoluments and appurtenances to the said lands messuages Borough Tolls Markets Fairs Courts franchises tenements hereditaments and premises hereby intended to be conveyed and e ery of them and every part thereof belonging or appertaining or with the s ıe or any of them usually held occupied and enjoyed as part thereof or appurtenant thereto Except and reserved at all times for ever hereafter out of these presents and the grant and conveyance hereby made or by way of regrant as the case may require unto the said E clesiastical Commissioners their successors or assigns All and singular the mines quarries mine als metals ore and other substrata whether of coal stone clay or any other metali erous or mineral substance or product whatsoever and whether opened or unopened worked or unworked within or under the said hereditaments and premises hereby conveyed or being part or parcel thereof And also all pits shafts drifts grooves levels adits mines quarries and workings no made driven or sunk or hereafter to be made driven or sunk for the purpo e o seeking inning getting worki g or bringing to bank the same or any of them or any part thereof and also full and free liberty of access ing es egress and regress to and for the said Ecclesiastical Commissioners and their successors assigns and lessees and also to and for all and every other persons and person by their grant demise authority or permission (but subject as to such other persons and person to the proviso hereinafter contained respecting them and him) from time to time and at all times hereafter with or without horses carts machines and carriages whethe such machines or carriages shall be worked by steam or other ise and whether of past present or future use application or inventıon into upon through under over and from all or any of the said lands and hereditamen s the reversıon of which is hereby convcyed to search for win get and work out all the said nines minerals substances substrata and products according to the course and practice of mining at present used and adopted in the said county of Durham or a cording to the best and most approved mode of getting and working which may from time to time be used o invente and to take and carry away the same or any of them or any part the eof And also to take use and occupy from time to time and for such length of time as they shall think fit so much of the said lands and hereditaments as they shall deem necessary proper or convenıent for discovering t_acing and having or obtaining access to the said mines minerals substrata and other ubstances and using or making and using pits shafts adits levels avicourses water courses quarries roads ways and other works convenien es or means for the purpose of working winning getting dra ng to bank depositing converting manufacturing carrying away or otherwise disposing of as well all or any of the said mines minerals substances substrata and products hereinbefo e EXCEPTED as also any other mines mineral substances substrata or products whatsoever of or belonging or which may at any time or times hereafter belong to the said Ecclesiastical Commissioners their successors grantees lessees or assigns or of or belonging to any other Corporation or any other person or persons whether arising or produced from or under the said lands the reversıon whereof is hereby conveyed or under any other lands or grounds whatsoever or for carrying away or otherwise dısposing of the produce of all or any of such mines minerals substances substrata or products and also for burning and making lime bricks or tiles whether for sale or otherwise and particularly full free and exclusive l berty and right to and for the said Ecclesiastical Commissioners their successors ssigns and lessees and every such other person or persons as aforesaid for or in connection with all or any of the purpose hereınbefore expressed to have use take and o cupy from time to time so long as they shall see fit any of the said lands or grounds on which are already erected or being or which the said Ecclesıastical Commissioners thei successors assigns or lessees or such other person or persons as aforesaid shall think proper to take use or occupy for the

purpose of erecting or making Agents or Workmen's dwellinghouses cottages workshops hay yards raff yards pit room and heap room furnaces engine and engine houses coke ovens firebrick wor s or other works or buildings gardens an other conveniences such gardens to adjoin and be used as part of and b ay of curtilage to the dwellinghouses or cottages so to be erected as aforesaid And at any time afterwards hen and if the or he shall think fit to take down or remove all or any such dwellinghouses cottages orkshops and other erections buildings engine houses coke ovens and works or the materials thereof and app opriate the same for their or his own use An also to use the present and to make or use any other drains air courses water courses and wayleaves railways railroads tramroads wagon roads and other roads ways cuttings embankments bridges tunnels or other orks or conveniences in upon through ithin over or across the said lands or grounds or any of them and from time to time to repair re-construct alter and vary any such or to make any other new additional or su stituted drains levels aircourses watercourses wayleaves roads ways cuttings embankments bridges tunnels or other works or conveniences and to use the present and to lay down iron rails and other materials and for the purposes of using any such present or future drains levels aircourses watercourses wayleaves roads ways or other works or conveniences to erect and have any engine houses station houses or other erections or any depots or yards or other conveniences and to remove the same fromtime to time as they or he shall think fit and to travel and carry away coals or other minerals and substances or any manufactured produce on or by any such wayleaves roads or ways with any Engine whether of present use or invention or future use application or invention and for r in connecti with all or any of the purposes aforesaid to make use of such drains levels aircourses watercourses wayleaves roads or ways in any other mann r whether of a similar description or not And also except and reserved full right liberty and power for the said Ecclesiastical Commissioners their successors ass gns and l ssees and such other person or persons as foresai (but as to such other person and persons subject to the restriction hereinafter express d to have use ex rcise and enjoy all and every the afor said exceptions reservations liberties licenses po e s easements and conveniences and to do any and every other act for the purpose of the use and enjoyme t of the foregoing exceptions and reservations easements licenses or privileges in upon over under or ith respect to the said lands and grounds in as fu l ample and beneficial a manner in every respect and to all ntents and purposes as they would have done if the inheritance of the said m nes and minerals had never been severed from the inheritance of the said lands and they the said Ecclesiastical Commissioners had been and continued the sole and absolute Owners of the fee simple in possession of the said lands and of the whol and undivided inher tance thereof (save only as hereinafter otherwise provided) And such rights liberties easements and privileges matters and things hereinbefore reserved to the said Ecclesiastical Commissioners their successors assigns and lessees and such other person and persons as aforesaid shall not be liable to be defeated or destroyed by effluxion of time or a nonuser of the same and all and singular the same rights liberties matters and things shall be taken an considered as commencing and to be had and exercised as and from the day before the date of these presents And all such exceptions and reservations or regrants as are hereinbefore made to or in favor of the said Ecclesiastical Commissioners their successors assigns and lessees and such other person and persons as aforesaid ar intende and shall be taken and adjudged to be to the absolute and entire exclusion of the sai ayor Aldermen and Citizens their successors and assigns and all persons claim ng by from through or under them from the ri ht of using or ex rcising or of granting or permitting any other person or persons whomsoever to use or exercise any of the same or the like rights liberties easements privileges matters or things as are hereinbefore excepted or reserved in upon over across through under or in respect of the said lands or hereditaments hereby co eyed an it shall not be lawful for the said Mayor Aldermen and Citizens their successors or assigns or any person or persons cl iming or to claim by from through or under them to make do or commit or suffer to be done or committed any act matter or th ng w atsoever hereby or in consequence whereof the said Ecclesiastica

Commissioners their successors assigns or less es or any person or persons in favor of whom such right liberti s easements privileges matters and things are hereinbefore reserved shall or may be in any way prevented from or interrupted hindered obstructed or inju ed in the free and undisturbed use exercise or enjoyment of the same or a y of them PROVIDED ALWAYS that so far as regards any other Corporation or person than the said Ecclesiastical Commissioners their successors lessees or assigns owners or occupiers for the time bei g of the said mines and minerals hereby rese ved or any of them the several rights powers rivileges and authorities her inbefore excepted and reserved shall be exercisable by such other Corporation or person under the Grant or Licence of the said Ecclesiastical Commissioners their successors or assigns in respect only of the products of ines or Collie ies to which such other Corpor tion or person shall for the time being be act ally entitled or the incidents connected with the working of such mines or collieries and not in respect of the products or incidents of the Mines or Collieries of or belon ing to any other Corporation r person PROVIDED ALWAYS that the said Ecclesiastical Commissioners their successors assigns and lessees and such other person or pe sons aforesaid shall pay to the said Mayor Aldermen and Citizens their successors and assigns reasonabl compensation for the use and occupation of any part of the said land or for the severance of the same or for the spoil of ground or damage to the buildings on or to the surface of the land or ground the reversion of which is hereby conveyed which shall be taken done or occasioned by the exercise of the po ers hereby excepted and reserved such compensation (as often as any cause for the same shall have arisen) to be determined (if the parties cannot agree) by the djudication of an Arbitrator to be agreed upon between them or in case of their not bein able to agree then by the adjudication of two indifferent persons as Arbitrators to be chosen one by each party or if such two indifferent persons cannot agree then by an Umpire to be chosen by them within two months from the date of their appointment and if such two indifferent persons shall not agree upon any per on as an Umpire within such time then the party claiming compensation shall bring an Actio against the other in some one of Her Majesty's Superior Courts at Westminster and both parties shall be bound to have it referred to the Master of such Court to ascertain and determine the amount of compensat on to be paid by way of damages either n the shape of a sum in gross or by way of annual or other per odical payment in such Action in the like manner as is directed by the ninety-fourth section of "The Common Law Procedure Act, 1852" and also to determine by whom the costs of such Action shall be paid PROVIDED ALSO that in case the said Ecclesiastical Commissioners their successors assigns or lessees shall restore to a state fit for agricultural purposes any of the said land in respect of which they shall agree or be adjudged to make compensation by way of annual or other periodical payment then that from the time of such restoration such compensation shall cease and not be thencefort payable PROVIDED FURTHER and it is hereby agreed between the said parties hereto t at nothing herein contained shall pre ent or hinder the said ayor Aldermen and Citi ens their successors and assigns from getting and ta ing out of or from any part of the said lands the reversion whereof s hereby conveyed all such and so much clay sand or gravel limest ne and freestone to be found therein as he or they shall at any time require for erecting or repairing of farmhouses or any farm buildings on such lands or for fencing or draining or manuring the ame lands or for any agricultural purpose but not for sale or for any other purpose than aforesaid and so that in getting and taking the said clay sand or gravel limestone and freestone the said ayor Aldermen and Citizens shall not excavate any of the said lands to such a depth or in such a manner or do any other such Act or thing as would tend in any ay to interfere with the Mines and Works for the time being of the said Ecclesiastical Commissioners their successors assigns or lessees or abridge the rights l berties easements and privile es hereinbefo e reserved to them PROVIDED ALSO that nothing herein contained shall be construed to qualify or restr ct the right of the said Ecclesiastical Commissioners their successors assigns or lessees to the property or ownership of

all the clay s d gravel limestone or freestone hereinbefore reserved or of getting or taking the same any further than and except only as to such part thereof as shall from time to time be actually got or taken and used by the said Mayor Aldermen and Citizens their successors and assigns under the powers and for the purpose hereinbefore expressed And all the estate and interest legal or equitable of them the said Ecclesiastical Commissioners of and in the said hereditaments and premises (except and reserved unto the said Ecclesiastical Commissioners their successors and assigns as hereinbefore particularly exc pted mentioned and set forth TO HAVE HOLD receive and take the said re ersionary estate and interest hereby intended to be conveyed in the same lands messuages tenements hereditaments and premises with the appurtenances except as aforesaid and subject to all tithes or rent charge payable in lieu thereof and all other charges impositions and outgoings hatsoe er whether Ecclesiastical or Civil by Law affecting the same Unto and by the said ayor Aldermen and Citizens of the City of Durham their successors and assigns for ever Freed and discharged from the payment of the said rent by the said recited Indenture of Lease reserved and from the performance of the co venants conditions and agreements therein contained ___ the said Ecclesiastical Commissioners do hereby for themselves their successors and assigns Covenant with the said Mayor Aldermen and Citizens their successors and assig s that they the said Ecclesiastical Commissioners have not done or permitted any act deed matter or thing whereby the said lands messuages tenements hereditaments and premises or any of them or any part thereof are is or can be charged impeached incumbered or prejudicially affected in title or otherwise - IN WITNESS whereof the said parties to these presents have caused their respective seals to be hereunto affixed the day and year first hereinb fore written.

By Order of the Council

(Sgd.) WILLIAM BOYD

Mayor

We Consent

(Sgd.) ?

?

Two of the Lords Commissioners of Her Majesty's Treasury.

RECEIVED the day and year first within written of and from the ithin-named ayor Aldermen and Citizens of the City of Durham the sum of one thousand three hundred pounds being the consideration money ithin expressed to be paid by them to us as Treasurers of the Ecclesiastical Commissioners for England £1,300

itness to the signature of the Earl of Chichester

(Sgd.) ?

(Sgd.) Chichester

Witness to the signature of William Deedes

(Sgd.) ?

(Sgd.) illiam Deedes

Sealed and delivered by the within-named Mayor Aldermen and Citizens of theCity of Durham under their corporate Seal n the presence of:-

(Sgd.) JOHN TIPLADY

Solici or & Town Clerk, Durham

Sealed by the Ecclesiastical Commissioners for England in the presence of:-

(Sgd.) ?

ll, Whitehall Place, Westminster

EMORANDUM That by an Indenture dated the ninth day of April ninteen thirty-six made between the Corporation of Durham of the first part Henry Elliott and others the ' ardens of the Freemen of the second part and the City of Durham Gas Company of the third part the piece of ground containing seven perches situate at Framwelgate Waterside and near to the Gas Works was conveyed unto the saidCity of Durham Gas Company and an undertaking given to produce the within-written deed

ORAND That by a Deed of Exchange dated the t enty-ninth day of March one thousand nine hundred and forty-one and made bet een the C poration of Durham of the first part Thomas Theophilus Atkinson and others the Wardens of the Freemen of the second part and John Frederick James Sm th of the third part the piece of ground conta ning four thou and one hundred and sixty-eight square yards situate at or near the Island adjoining the Sands was by ay of exchange conveyed unto the said John Frederick James Smith in fee simple and an undertaking given to produce the within-written deed

DATED 20TH DECEMBER 1860

THE ECCLESIASTICAL CO ISSIONERS
FOR ENGLAND

to

THE MAYOR ALDER AND CITIZENS OF
THE CITY OF DURHAM

C O V E Y A C E

of the Reversion of and in certain lands and messuages and the Borough of Durham and Framwellgate and ot er heredits.

Deed acket

MY REF: 021901/ach DATE: 10th May 2019

DURHAM COUNTY COUNCIL
Memorandum from the Corporate Director – Resources
PROPERTY COMPLETION REPORT

The transaction detailed below has now been completed. A copy of the deed is attached.
*Details indicated as provided on Asset's Instruction by Estates Officer

Date Legal Instructed*	9th May 2019
Asset UPRN*	
Asset Service/Sub Service*	Asset Management
Asset File Reference*	Leigh Fisher
Asset Property Name*	Land at Freemans Quay, Durham
Postal address or brief location description of property	Land at Freemans Quay, Durham
Tenure and occupation	Freehold
C.P.O. (if any)/Scheme (if any)	n/a
Purpose of transaction	Appropriation
Name of parties	Town & Country Planning Act 1990 - Local Govt Act 1972
Nature and date of Deed	Appropriation
Date previous lease terminated (if applicable)	n/a
Consideration/Rent	n/a
Surveyor's Fees recovered for Asset Management	n/a
Details of VAT payable	n/a
Periodical receipts and outgoings	n/a
Remarks (including points to note in Deed)	n/a
Deed Packet No.	D301248 & D30122

Copy to: Asset Management (for the attention of Leigh Fisher; Peter Howson
Asset Land Ownership (email assetlandownership@durham.gov.uk)

For Information:
Asset Management (For the attention of Stephen Tobin)
Finance (For the attention of Patsy O'Reagan, Deborah Newham, Angela Searle & Brenda Rowell)

Appropriation of Land

Memorandum: The Assets Management Team Leader in exercise of his delegated powers Table 6, Paragraph 57 has on the 30th day of April 2019 approved the appropriation from the purpose stated in Column (1) below to the purpose stated in Column (2) below of the property being land at Freemans Quay in the City and County of Durham shown edged in red and numbered 1 on the attached plan and comprised in Title Number DU312002.

(a copy of the Record of Delegated Power is attached)

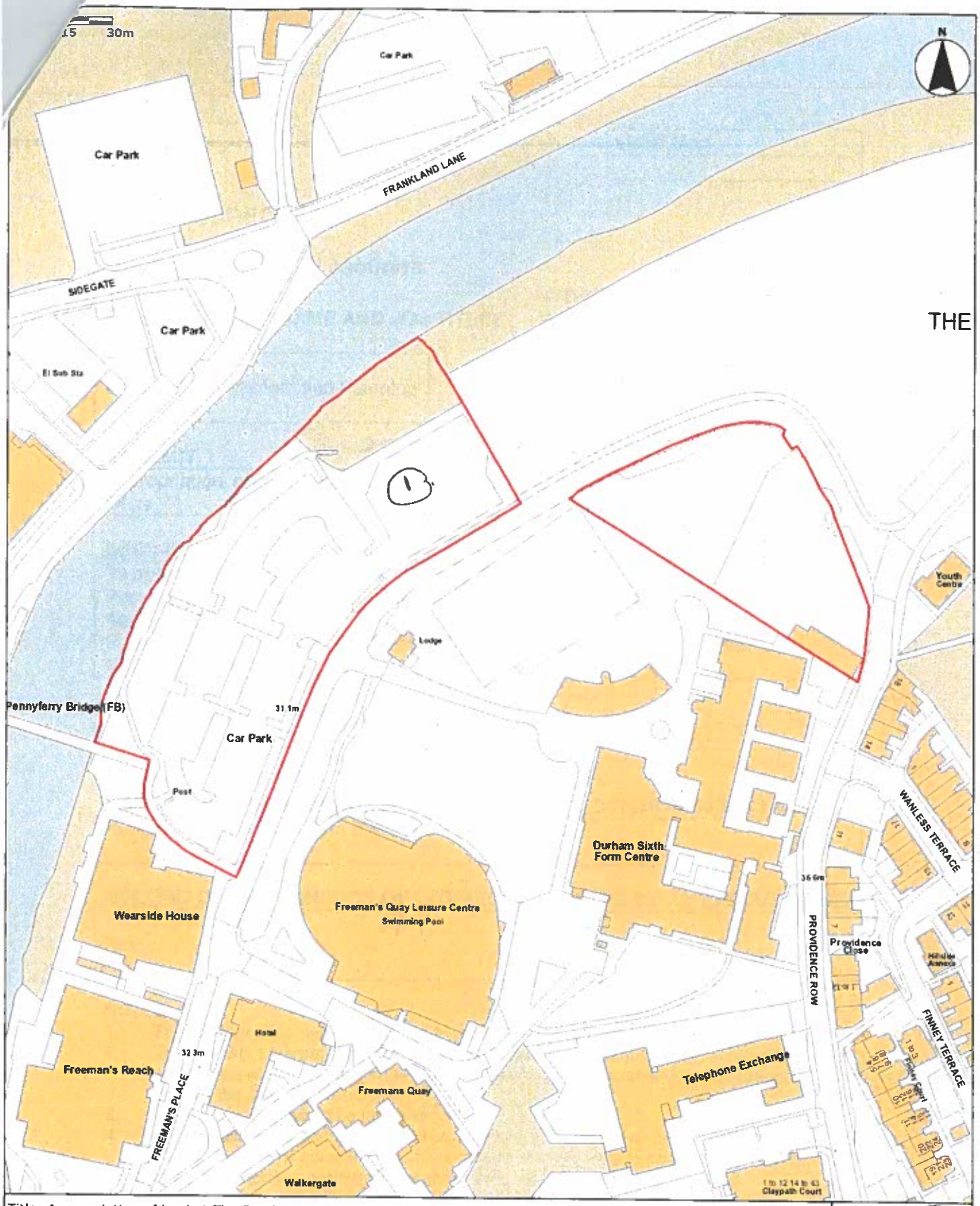
Column (1)	**Column (2)**
Town and Country Planning Act 1990	Local Government Act 1972

Signed: .....

County Hall
Durham
DH1 5UL

9th May 2019

Ref: 021901/ACH



Title: Appropriation of land at The Sands, Durham City

Scale: 1:1250

Date: 3/4/2019

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Ordnance Survey LA 100049055
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Durham County Council

Ian Thompson:
Corporate Director:
Regeneration and
Local Services:

County Hall,
Durham, DH1 5UL
Asset Management

eREF No.1.

DECISION RECORD

Please complete all sections

DECISION MAKER (NAME AND JOB TITLE)

Stuart Timmiss
Head of Development and Planning

AUTHORITY BY REFERENCE TO SCHEME OF DELEGATION/ COMMITTEE REPORT

Table 6 para 57

SUBJECT

Appropriation of land within UPRN 50053S01 and part of 0753S01 at Freemans Quay.

DECISION

To appropriate all the land within UPRN50053S01 from the Town and Country Planning Act 1990 to the Local Government Act 1972
And
Part of the land within UPRN 0753S01 form the Education Act 1996 to the Local Government Act 1972.

ELECTORAL DIVISION/S

Elvet and Gilesgate

CONSULTATION – CABINET PORTFOLIO HOLDER, OTHER MEMBERS & DATE

Portfolio Member and Ward Members – 24th April 2019

RECORD OF ANY CONFLICT OF INTEREST DECLARED BY AN EXECUTIVE MEMBER

N/A

NOTES

1. The reference No. will be assigned by Democratic Services.
2. The relevant paragraph within the decision makers delegated powers should be identified, or if a specific express authorisation of Council, Cabinet, or a Committee which delegated this to an officer provide the date, and report.
3. A brief heading should be inserted.
4. Brief details of the decision should be inserted. This note must set out the substance of the decisions, options considered and the reasons for the chosen option. Take care not to divulge any commercially sensitive information. If it's a Key Decision insert the No.
5. List the electoral division/s that will be affected by the decision
6. Set out the consultation you have undertaken with Cabinet portfolio holder and others.
7. See Guidance "Consultation with Portfolio Holder".

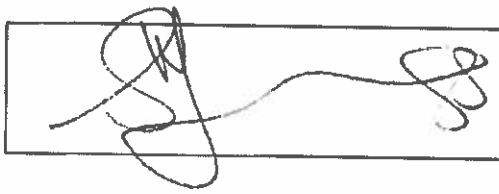
A NOTE OF DISPENSATION GRANTED BY THE HEAD OF PAID SERVICE IN RELATION TO THE ABOVE CONFLICT

Not Applicable

ACCESS TO THE REPORT

Is the report open to the public (Part A) Yes
Is the report exempt (Part B) – if so please specify the exemption paragraph and the reason for exemption applying the Public Interest Test

CONTACT PERSON	**CONTACT NO.**
Peter Howson	03000 267482

AUTHORISED SIGNATORY	**DATE**
	30th April 2019

This form must be sent electronically to delegations@durham.gov.uk within 24 hours of the decision being made.

NOTES

8. See Guidance "Consultation with Portfolio Holder".
9. Please refer to the Access to Information Requirements that came into force from 1 March 2006 and the internal guidance that has been issued in this respect.
10. Person authorised to make the decision. When sent to democratic services, this will be an electronic signature.
11. Enter the date the decision was made.

Delegated Decision

April 2019

Appropriation of land part of UPRN 0753S01 Freeman's Place from Education Act 1996 to Local Government Act 1972, and
Appropriation of UPRN 50053S01 from Town and Country Planning Act 1990 to Local Government Act 1972

Ordinary Decision.

Report of Regeneration and Local services Report of Anna Wills Asset Management Team Leader

Electoral division(s) affected:

Elvet and Gilesgate

Purpose of the Report

1 The purpose of the report is to seek approval to:

Appropriate land (UPRN 0753S01) at Freeman's Quay, Durham from the Education Act 1996 to Local Government Act 1972: and,

Appropriate land (UPRN 50053S01) at Freeman's Quay, Durham from the Town and Country Planning Act 1990 to Local Government Act 1972.

Background

2 The two areas of land edged red on the attached plan received planning consent for the erection of the proposed new headquarters building for Durham County Council in April 2019.

3 The land within UPRN 0753S01 is currently used as a car park for the adjoining Durham Sixth Form College and the licence to occupy determines on the 10th May 2019.

4 The land within UPRN 50053S01 is currently being used as car park for 136 vehicles and a coach park for 11 coaches. These uses will cease when construction work on the new headquarters building commences in June 2019.

Recommendation

5 To ensure that the Council holds the land for the correct statutory purpose an appropriation from the Education Act 1996 and Town and Country Planning Act 1990 to the Local Government Act 1972 is recommended.

Contact:	Peter Howson	Tel: 03000 267482

Appendix 1: Implications

Legal Implications

The Local Government Act 1972 S122 allows a Local Authority to appropriate land in circumstances when its use changes, and the power under which the land is currently held will differ from its alternative use.

Finance

None

Consultation

Portfolio Holder Councillor Kevin Shaw and Ward Councillors Richard Ormerod and David Freeman were consulted with no objections

Equality and Diversity / Public Sector Equality Duty

None

Human Rights

None

Crime and Disorder

None

Staffing

None.

Accommodation

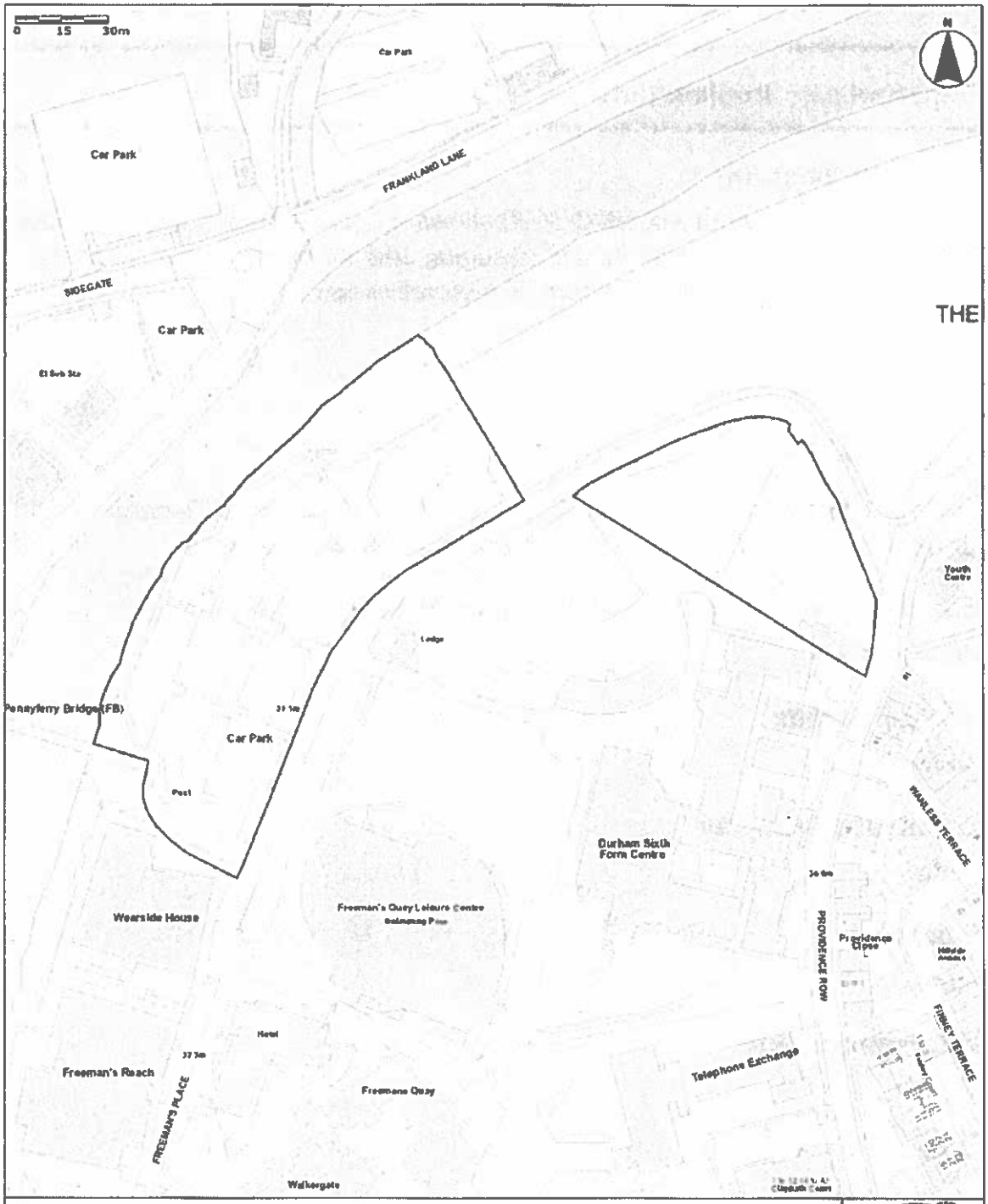
None

Risk

None

Procurement

None



Title: Appropriation of land at The Sands, Durham City

Scale: 1:1250

Date: 3/4/2019

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Ordnance Survey LA 100049055
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Ian Thompson:
Corporate Director:
Regeneration and
Local Services:

County Hall,
Durham, DH1 5UL
Asset Management

03/04/2019

SHAW & SONS LTD., SHAWAY HOUSE. LONDON, S.E.26.

50P 18 9 81

This DEED is made the SEVENTH day of SEPTEMBER One thousand nine hundred and eighty one BETWEEN JOHN DICKINSON PEELE of Rowanwood Clay Lane Durham City CLIFTON WILLIAM GIBBY of Prebends Gate Quarry Heads Lane Durham City MICHAEL CLUTTERBUCK NORWOOD of Rose Cottage Hett in the County of Durham PATRICK GEORGE WOODWARD of 27 North Bailey Durham City JOHN ERIC FAGG of 47 The Avenue Durham City and PETER STOREY of 'Peppermires' Brancepeth Durham (hereinafter called 'the Trustees") of the first part and THOMAS MARLEY HERON of 33 Long Acres Durham City GEORGE BLAGDON of Frankland Works Durham JAMES HENRY VEST of 88 Musgrave Gardens Durham City THOMAS WILLIAM ALLAN of 41 Heaviside Place Durham City HENRY ELLIOT of 24 Edward Street Durham City ARTHUR EALES of 18 Musgrave Gardens Durham City JOHN REGINALD STOUT of 77 Buckinghamshire Road Belmont in the County of Durham and HENRY ALAN ATKINSON of 59 Musgrave Gardens Durham City (hereinafter called "the Wardens") of the second part and THE COUNCIL OF THE CITY OF DURHAM of Byland Lodge Hawthorn Terrace in the City of Durham (hereinafter called "the Council") of the third part

WHEREAS

(1) The Council is seised in unincumbered fee simple in possession of the piece or parcel of land called "the Sands" Durham (hereinafter called "the said land") which said land is for the purposes of identification only edged red on the plan attached hereto subject nevertheless to the rights of the Freemen of the said City of Durham to use and exercise a right of Common thereon and under the

provisions of an agreement dated the eighteenth day of September One thousand eight hundred and fifty made between the Mayor Aldermen and Citizens of the City of Durham and Framwelgate of the one part and the Wardens of the Trade Companies of the said City of Durham of the other part to receive a portion of the rents and profits thereof

(2) The Council is desirous of erecting a Sports Centre or other municipal building or buildings or a combination thereof on the land hatched blue on the said plan and the Trustees and Wardens on behalf of the Freemen have agreed with the Council to grant them the right to use part of the said land for the purpose aforesaid upon the conditions hereinafter contained

NOW THIS DEED WITNESSETH and it is hereby agreed between the parties hereto that in consideration of the rent hereinafter reserved the Trustees and the Wardens on behalf of the Freemen hereby grant unto the Council FULL RIGHT AND LIBERTY for the term of Ninety nine years from the date hereof to use the said land for the purpose of a Sports Centre or other municipal building or buildings or a combination thereof AND the Council hereby covenant with the Trustees and the Wardens that they the Council will during the aforesaid term pay to the Trustees on behalf of the Freemen

(a) for the first three years of the said term a yearly sum of six hundred and fifty pounds (being the sum which at the date hereof is equivalent to two third parts of the rent at which the said land (excluding the value of any buildings thereon) might reasonably be expected to be let in the open market by a willing landlord for a term of ninety nine years upon the terms herein contained)

(b) for each succeeding period of three years a yearly sum

(not being less than the first above reserved) to be agreed by the parties or in default of agreement to be determined by the then President of the Royal Institution of Chartered Surveyors acting as an expert and not as an arbitrator As the sum equivalent to two third parts of the rent at which the said land (excluding the value of any buildings erected thereon) might reasonably be expected to be let in the open market by a willing landlord by a lease for a term of ninety nine years upon the terms and conditions contained herein modified as necessary so as to be applicable to a lease of the said land

(c) The sums mentioned in sub clauses (a) and (b) above shall be payable half yearly in advance on the First day of October and the First day of April in each year

(d) (i) That it will forthwith make such byelaws as shall be necessary to secure that the areas of The Sands adjoining the said land shall be protected from any trespass encroachment or unlawful entry by persons or vehicles entering the said land for the purpose of using the facilities provided by the Council thereon or for any other purpose authorised by the Council and that it will further erect such fences walls gates or other structures as shall reasonably be required in order to prevent such trespass encroachment or unlawful entry on the said adjoining areas of The Sands

(ii) That it will not do or permit to be done anything on the said land which might injure the said adjoining areas of The Sands or which might be likely to

result in an encroachment on the said areas by any building structure chattel material substance or other thing whatsoever and will not keep or store on the said land anything which might be likely to encroach on to the said adjoining areas and in particular will not deposit or permit to be deposited upon the said adjoining areas any building materials or rubbish or machinery equipment or tools whatsoever during the course of any building works or other operations which it or anyone authorised by it may carry out on the said land

AND the Trustees and the Wardens hereby covenant with the Council that in consideration of the aforesaid annual payment to be made by the Council they hereby surrender all their rights contained or referred to in the said Agreement dated the Eighteenth day of September One thousand eight hundred and fifty so far only as the same relate to the said land

IN WITNESS whereof the Parties hereto of the first and second parts have hereunto affixed their hands and seals and the Council have affixed their Common Seal the day and year first before written

SIGNED SEALED and DELIVERED by)
the said JOHN DICKINSON PEELE)
in the presence of:-)

John D Peele

Glen.
Posilea.
Springvale Avenue
Durham City
Legal Executive

SIGNED SEALED and DELIVERED by)
the siad CLIFTON WILLIAM GIBBY)
in the presence of:- _____)

C.W. Gibby

Gley
Rosella,
Springwell Avenue,
Durham.
Legal Executive.

SIGNED SEALED and DELIVERED by)
the said MICHAEL CLUTTERBUCK)
NORWOOD in the presence of:- ____)

[signature]

Gley

SIGNED SEALED and DELIVERED by)
the said PATRICK GEORGE WOODWARD)
in the presence of:- _____)

P. G. Woodward

Gley

SIGNED SEALED and DELIVERED by)
the said JOHN ERIC FAGG)
in the presence of:- _____)

J.E. Fagg.

Gley

SIGNED SEALED and DELIVERED by)
the said PETER STOREY)
in the presence of:- _____)

[signature]

Gley

SIGNED SEALED and DELIVERED by)
the said THOMAS MARLEY HERON)
in the presence of:- _____)

T. M. Heron

Gley

(SIGNED SEALED and DELIVERED by
(the said GEORGE BLAGDON
(in the presence of:-

(SIGNED SEALED and DELIVERED by
(the said JAMES HENRY VEST
(in the presence of:-

(SIGNED SEALED and DELIVERED by
(the said THOMAS WILLIAM ALAN
(in the presence of:-

(SIGNED SEALED and DELIVERED by
(the said HENRY ELLIOT
(in the presence of:-

(SIGNED SEALED and DELIVERED by
(the said ARTHUR EALES
(in the presence of:-

(SIGNED SEALED and DELIVERED by
(the said JOHN REGINALD STOUT
(in the presence of:-

SIGNED SEALED and DELIVERED by)
the said HENRY ALAN ATKINSON)
in the presence of:-)

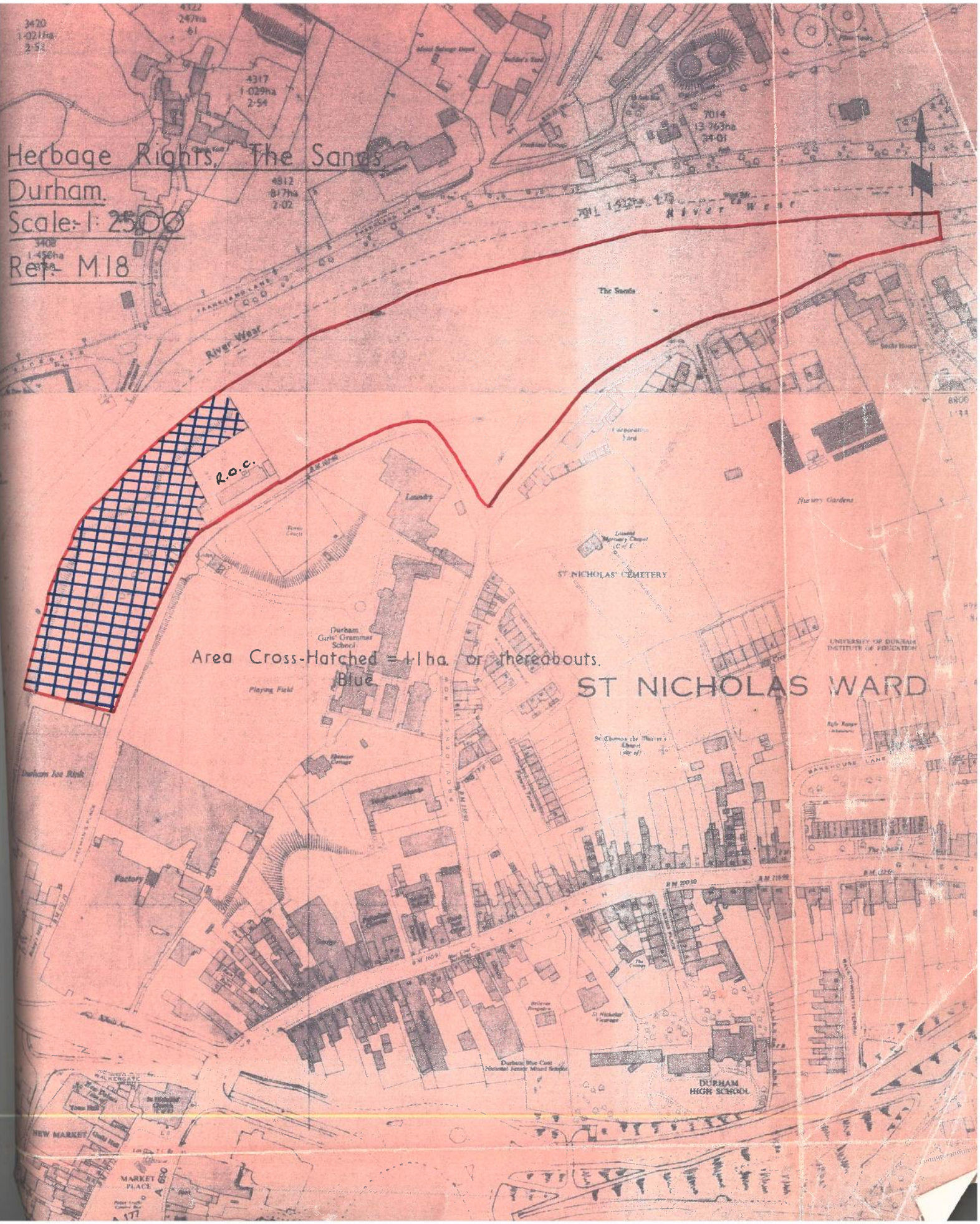
H A Atkinson

THE COMMON SEAL of THE COUNCIL)
OF THE CITY OF DURHAM was)
hereunto affixed in the)
presence of:-)



William Taylor Mayor

Chief Executive


Herbage Rights, The Sands
Durham.
Scale:- 1: 2500
Ref:- M.18
River Wear
The Sands
R.O.C.
Area Cross-Hatched = 1.1 ha. or thereabouts.
Blue
ST NICHOLAS WARD
ST NICHOLAS' CEMETERY
Durham Girls' Grammar School
Durham Ice Rink
DURHAM HIGH SCHOOL
MARKET PLACE
NEW MARKET

MEMORANDUM

Pursuant to the provisions of the within-written Agreement dated the 7 September 1981 as varied by an Agreement dated the 29 March 1985 made between the same parties and further pursuant to the provisions of an Agreement dated 18 January 1995 made between the same parties ("the Three Agreements") the Council of the City of Durham and the Trustees and Wardens of the City of Durham Freemen have agreed that the following consolidated rents for the Three Agreements shall be paid by the City Council to the Trustees and Wardens for the periods stated:-

7 September 1999 to 6 September 2002	£12,500 per annum
7 September 2002 to 6 September 2005	£15,000 per annum
7 September 2005 to 6 September 2008	£22,500 per annum

I hereby confirm the agreement of the Trustees and Wardens of the City of Durham Freemen to the terms of the rent reviews contained in this memorandum.

Signed: [signature] Dated 30th January 2007

Clerk and Receiver

I hereby confirm the agreement of the Durham City Council to the terms of the rent reviews contained in this memorandum.

Signed: [signature] Dated 30th January 2007

DIRECTOR OF LEGAL AND ADMINISTRATIVE SERVICES

MEMORANDUM

PURSUANT to the provisions of the within-written Agreement, the Council of the City of Durham and the Trustees and Wardens of the City of Durham Freemen have agreed that the following rents shall be paid by the Council to the Trustees and Wardens for the periods stated:-

7th September, 1984 to 6th September, 1987	£850.00 per annum
7th September, 1987 to 6th September, 1990	£2,200.00 per annum
7th September, 1990 to 6th September, 1993	£3,300.00 per annum inclusive of VAT
7th September, 1993 to 6th September, 1996	£4,750.00 per annum inclusive of VAT

OS Historic Maps 1860 - 1994

OS Map 1860



DURHAM CITY - COMMON LAND RELEASE LAND - 1860 O.S MAP.

Plan Ref: ARC-20-435A. Paper Size: A4. Scale: 1:2,500

Based Upon O.S Map: NZ2742. Date: 11/11/2020.

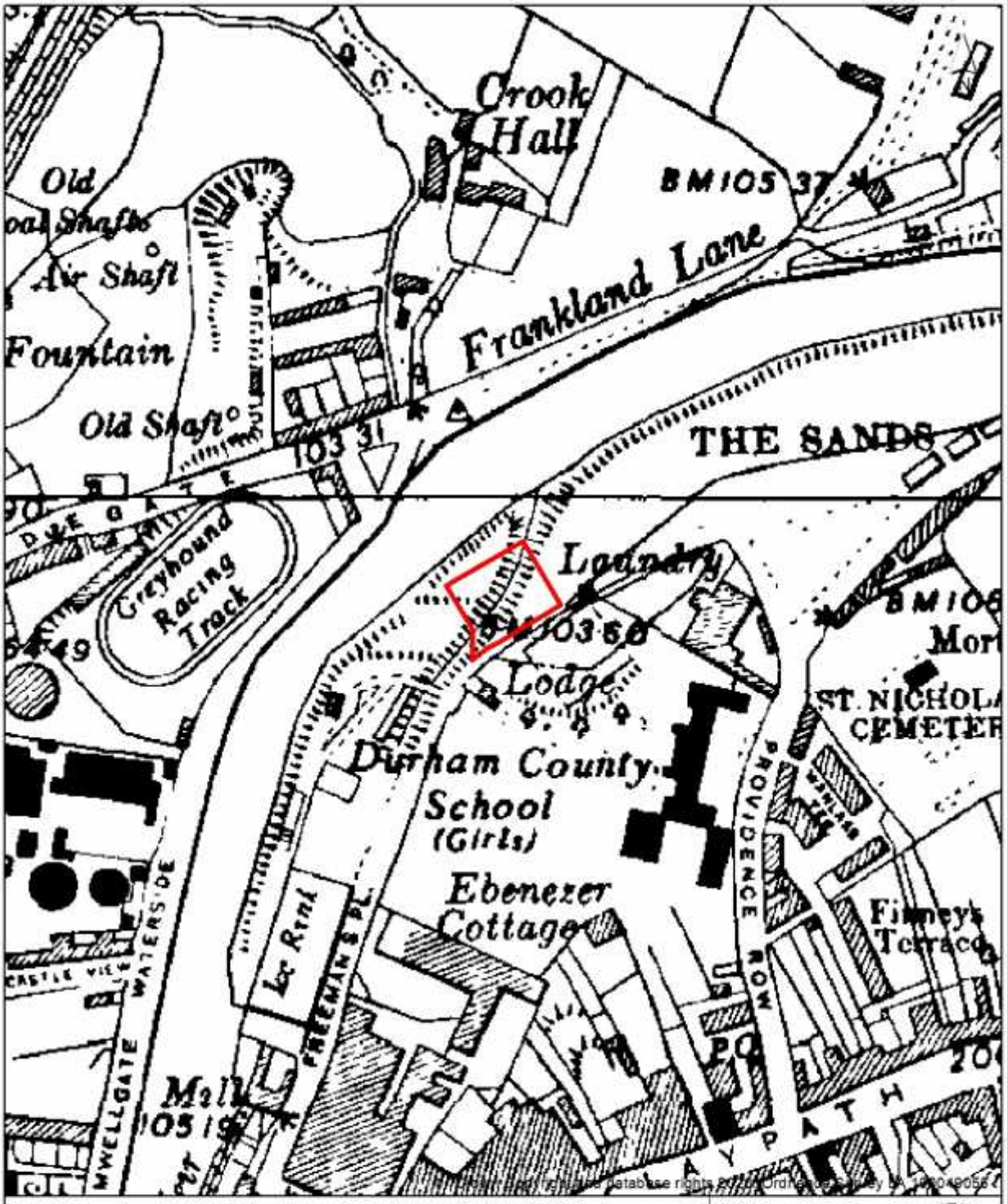
UPRN : 50674S01

0 62.5 125 250 Metres

Durham County Council

AMY HARHOFF
REGENARATION, ECONOMY AND GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

OS Map 1951 - 59



DURHAM CITY - COMMON LAND RELEASE LAND - 1951-59 O.S MAP.

Plan Ref: ARC-20-435B. Paper Size: A4. Scale: 1:2,500

Based Upon O.S Map: NZ2742. Date: 11/11/2020.

UPRN : 50674S01

0 62.5 125 250 Metres

Durham County Council

AMY HARHOFF
REGENARATION, ECONOMY AND GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

OS Map 1960 - 69



DURHAM CITY - COMMON LAND RELEASE LAND - 1960-69 O.S MAP.

Plan Ref: ARC-20-435C. Paper Size: A4. Scale: 1:2,500

Based Upon O.S Map: NZ2742. Date: 11/11/2020.

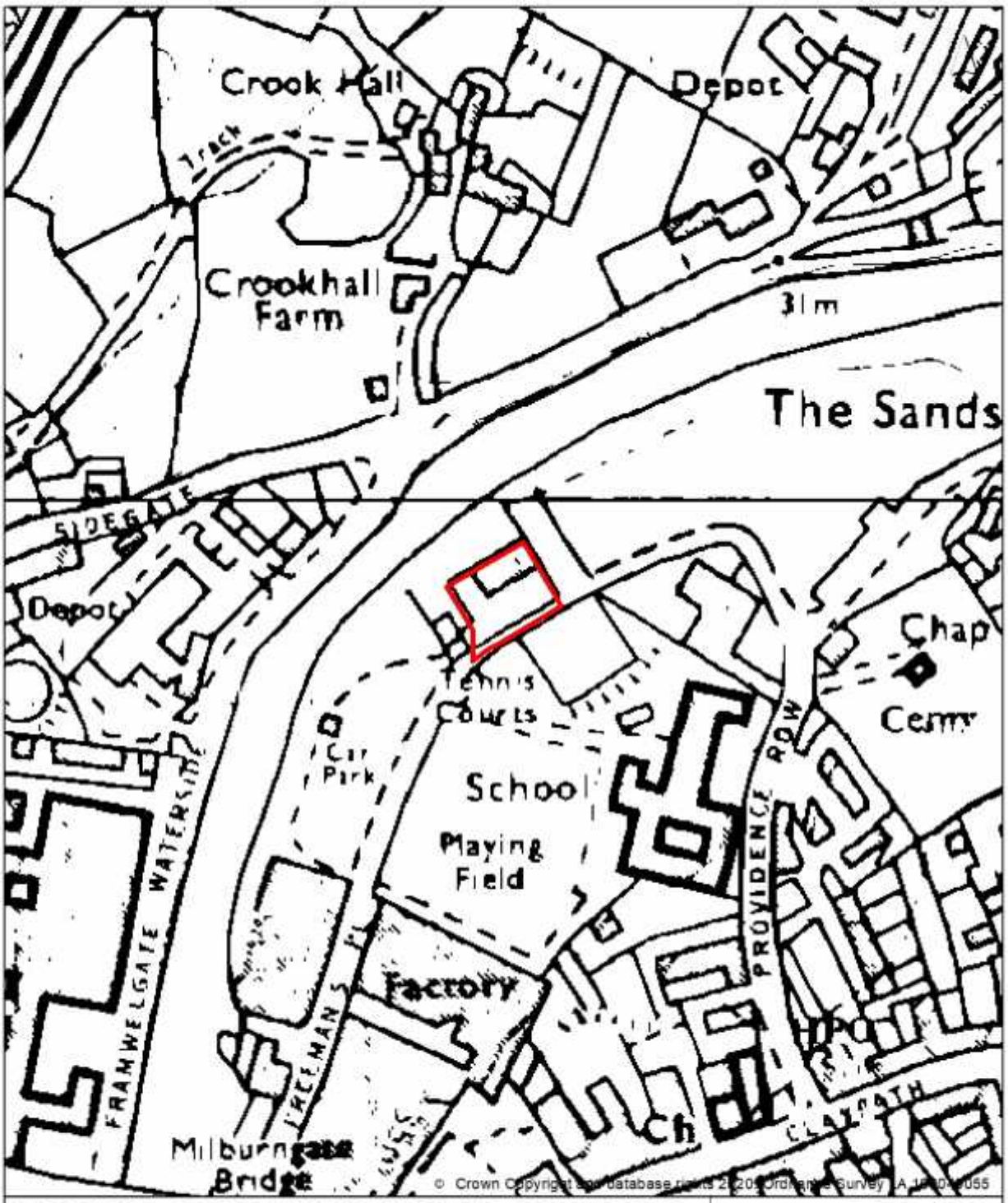
UPRN : 50674S01

0 62.5 125 250 Metres

Durham County Council

AMY HARHOFF
REGENARATION, ECONOMY AND GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

OS Map 1970 - 79



DURHAM CITY - COMMON LAND RELEASE LAND - 1970-79 O.S MAP.

Plan Ref: ARC-20-435D. Paper Size: A4. Scale: 1:2,500

Based Upon O.S Map: NZ2742. Date: 11/11/2020.

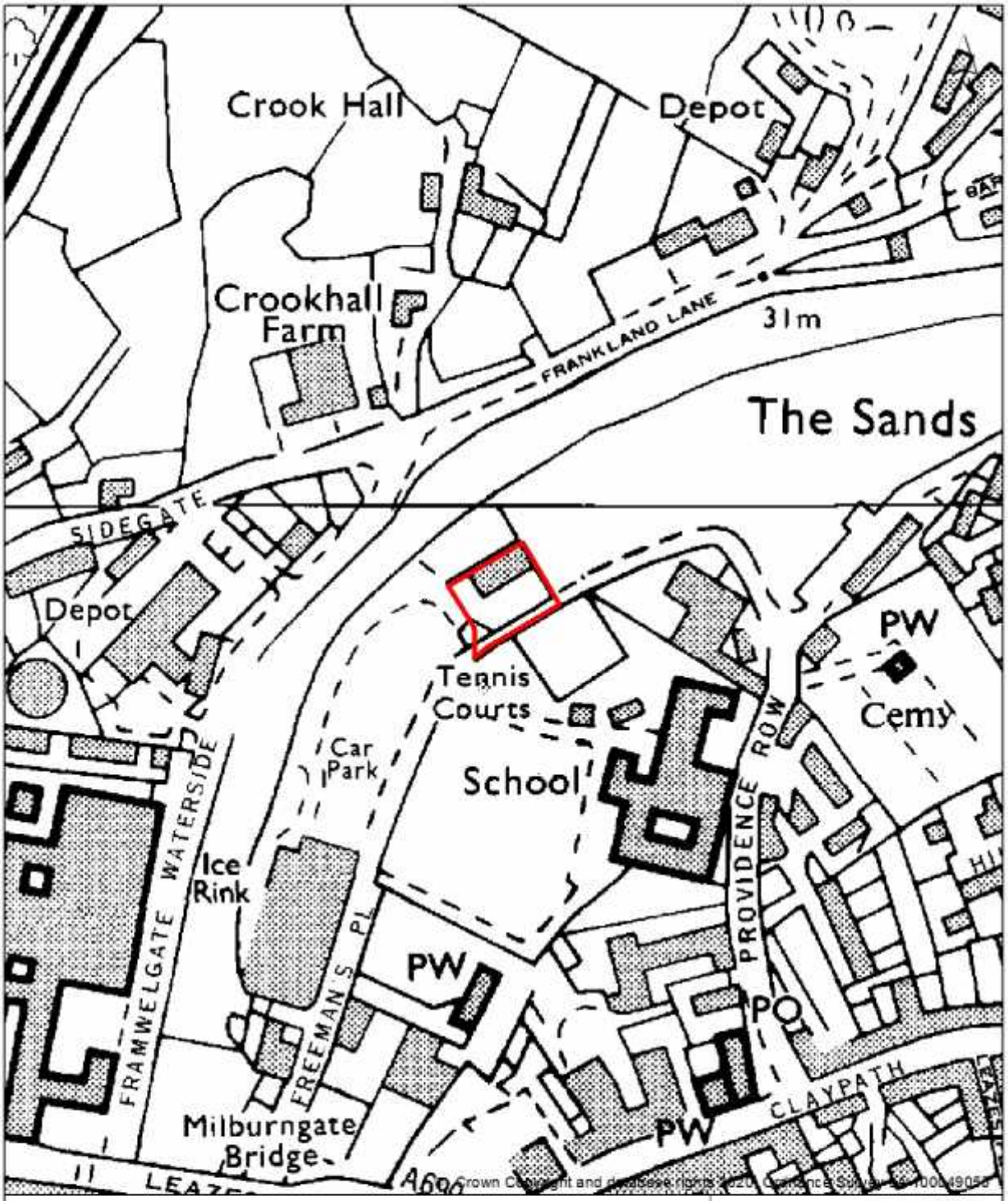
UPRN : 50674S01

0 62.5 125 250 Metres

Durham County Council

AMY HARHOFF
REGENARATION, ECONOMY AND GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

OS Map 1980 - 94



DURHAM CITY - COMMON LAND RELEASE LAND - 1980-94 O.S MAP.

Plan Ref: ARC-20-435E. Paper Size: A4. Scale: 1:2,605

Based Upon O.S Map: NZ2742. Date: 11/11/2020.

UPRN : 50674S01

0 65 130 260 Metres

Durham County Council

AMY HARHOFF
REGENARATION, ECONOMY AND GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

Aerial photograph – 2001



DURHAM CITY - COMMON LAND RELEASE LAND - 2001 AERIAL IMAGE

Plan Ref: ARC-20-435F. Paper Size: A4. Scale: 1:2,500

Based Upon O.S Map: NZ2742. Date: 11/11/2020.

UPRN : 50674S01

0 62.5 125 250 Metres

Durham County Council

AMY HARHOFF
REGENARATION, ECONOMY AND GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

The electronic official copy of the register follows this message. 6viii

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Official copy of register of title

Title number DU285400 | Edition date 05.02.2019

- This official copy shows the entries on the register of title on 03 SEP 2020 at 17:06:19.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 03 Sep 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Durham Office.

A: Property Register

This register describes the land and estate comprised in the title.

COUNTY DURHAM

1 (08.11.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at Aykley Heads, Durham (DH1 5TS).

NOTE: The land tinted green on the title plan is not included in this title.

2 (08.11.2005) The mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.

3 (08.11.2005) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of other land dated 15 July 1992 made between (1) The County Council of Durham and (2) Rivergreen Homes Limited:-

"Rights granted

The property is transferred together with the rights set out in the Second Schedule

Rights reserved

There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Third Schedule

THE SECOND SCHEDULE

1. The right to lay and maintain at its own expenses the First Drain and to use the same

2. The right to connect at its own expense the First Drain into the existing surface water drain at point Q on the Plan and to use such existing surface water drain PROVIDED that the Purchaser shall construct at its own expense and to the reasonable satisfaction of the Vendor an inspection chamber with manhole cover at the said point Q

3. The right to lay and maintain at its own expense the Second Drain together with manholes inspection chambers and temporary stopper at a

A: Property Register continued

minimum depth of 900 mm in a position to be agreed between the parties hereto and to use the Second Drain

4. The right to lay and maintain at its own expense the Sewer in a position to be agreed between the parties hereto at a maximum distance of 5 metres from the northern boundary of the Property and to use the same

5. The right to connect the Sewer to the Private Foul Sewer and to use the private Foul Sewer on condition that the Purchaser pays a fair proportion according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning that section of the Private Foul Sewer between the points X and Y on the Plan the proportion in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

6. The right to enter onto the Retained Land for the following purposes:-

6.1 to carry out any works required in the exercise of the rights granted in clauses 1 to 5 inclusive

6.2 to repair renew maintain inspect replace and clean the Private Foul Sewer the Sewer the First Drain and the Second Drain

THIRD SCHEDULE

1. The right to retain the Private Foul Sewer under the Property and to use the same

2. The right to connect into the First Drain and the Second Drain (such connections to be made on the Retained Land) and to use the same but only to the extent that such additional use does not cause the capacity of the First Drain or the Second Drain to be exceeded and on condition that the Vendor pays fair proportions according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning the First Drain and the Second Drain the proportions in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

3. The right to enter onto the Property to repair renew maintain inspect replace and clean the Private Foul Sewer

4. The right to connect into the Sewer (such connection to be made in the Retained Land) and to use the same but only to the extent that such additional use does not cause the capacity of the Sewer to be exceeded and on condition that the Vendor pays a fair proportion according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning the Sewer the proportion in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

5. The right to erect construct lay renew enlarge or alter at any time without obtaining any consent from or making any compensation to the Purchaser any buildings structures or works in or upon the Retained Land or to deal as the Vendor may think fit with any such land or premises notwithstanding that the buildings structures and works so erected constructed laid renewed enlarged or altered may obstruct or interfere with any right to access of light or air for the time being appertaining to or enjoyed with the Property

Interpretation and references

2.1 Such of the rights hereby granted and reserved which could arise in the future shall be limited to arise within the period of eighty years from the date of this Transfer which shall be the perpetuity period for the purposes of this Transfer

A: Property Register continued

2.2. References to the Property and to the Retained Land shall include a reference to all or any part or parts thereof

2.3 Any rights granted to the Purchaser or reserved by the Vendor may also be exercised by any person expressly or by implication authorised by the Purchaser or the Vendor and also by any person who is or who becomes entitled to use such rights."

NOTE: Copy plan filed.

4 (08.11.2005) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of other land dated 28 March 1994 made between (1) The County Council of Durham and (2) Wimpey Homes Holdings Limited:-

"Interpretation and references

2.1 Such of the rights hereby granted and reserved which could arise in the future shall be limited to arise within the period of eighty years from the date of this Transfer which shall be the perpetuity period for the purpose of this Transfer

2.2 References to the Property and to the Retained Land shall include a reference to all or any part or parts thereof

2.3 Any rights granted to the Purchaser or reserved by the Vendor may also be exercised by any person expressly or by implication authorised by the Purchaser or the Vendor and also by any person who is or who becomes entitled to use such rights

Rights Granted

The Property is transferred together with the rights set out in the Second Schedule

Rights Reserved

There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Third Schedule

SECOND SCHEDULE

(Rights and Liberties Granted)

1. A right of way (in common with the Vendor its agents and servants and all other persons who have or may hereafter have the like right) until such time as the same are taken over by the Highway Authority so as to be maintainable at public expense for the sole purpose of obtaining access to and egress from the part of the Property shown circled 'A' and stippled on Plan A only for the Purchaser and its successors in title and all other persons who have or may hereafter have the like right to go and return along upon and over the spur road shown coloured brown on Plan A

THIRD SCHEDULE

(Rights and Liberties Reserved)

Excepting and reserving unto the Vendor in fee simple for the benefit of the Vendor's adjoining or neighbouring property and any part or parts thereof capable of being benefited thereby full right and liberty for the Vendor and all others entitled or authorised by them:-

1. To the free passage and running of water soil gas electricity drainage and any other service or supply through and use of the sewers drains culverts watercourses pipes cables stabilising cables wires or other channels or conductors now laid or to be laid in under or over the Property with liberty for the Vendor and others entitled or authorised by the Vendor to enter thereon with or without vehicles and apparatus for the purposes of making connections with repairing

A: Property Register continued

renewing altering reinstating maintaining inspecting or cleansing all or any of such sewers drains culverts watercourses pipes cables stabilising cables wires channels or conductors

SUBJECT TO the person exercising such right causing no unnecessary damage or disturbance and forthwith making good any damage or disturbance caused thereby to the Property

2. A right of way until adoption of the same as highways maintainable at the public expense (in common with the Purchaser and all others having a like right) for the Vendor and all others authorised by them over and along the footpaths and roads constructed or to be constructed upon the Property or upon any part thereof save for those (if any) within the curtilage of any individual residential plot and not intended to be so adopted

3. At all reasonable times to enter so much of the Property as is necessary with or without vehicles and apparatus for the purpose of inspecting the state and condition of or repairing rebuilding or maintaining adjoining premises or adjoining roadways or for the purpose of the removal or alteration of any works not erected or constructed in accordance with plans specifications or proposals as hereinafter provided SUBJECT to the person exercising such right causing no unnecessary damage or disturbance and forthwith making good any damage or disturbance caused thereby to the Property

4. The right for the Vendor and its successors in title the owners and occupiers for the time being of all or any part of the Vendor's Retained Land and their respective servants and licensees and all other persons who have or may hereafter have the like right to pass and repass from time to time and at all times hereafter by day or night and for all purposes connected with the present or any future use and enjoyment of the Retained Land or other adjoining land with or without vehicles or apparatus of any description and with or without animals from and to the public highways called High Carr Road and Durham Road aforesaid and also the Aykley Heads Northern Distributor Road aforesaid over along and across those parts of the Property shown coloured in yellow and also coloured in pink respectively on Plan A and also any roadway and/or footpath which are now or may be constructed on the said parts of the Property in accordance with the plans drawings and specifications submitted to and approved by the Local Planning Authority ("the Authorised Plans")

5. The right to the Vendor notwithstanding anything to the contrary herein to deal with the Vendor's other lands in such parcels and upon such terms and conditions and subject to or free from any restrictions as the Vendor may think fit and the Purchaser shall not be released from any of the covenants and stipulations herein nor shall the right of the Vendor to enforce any such covenants and stipulations be affected in any way by reason that the Vendor's other lands shall have been sold or demised or contracted to be sold or demised without covenants and stipulations similar to those contained herein or that such other lands of the Vendor are being used in a manner and for a purpose inconsistent with the covenants and stipulations herein and the Purchaser shall not be entitled to inspect any assurance executed by the Vendor in favour of any other purchaser

6. The right (but without imposing any obligation to carry out any of the works mentioned in this paragraph) for the Vendor its servants and agents and others authorised by it or them with or without vehicles plant and equipment at all reasonable times of which previous notice shall have been given in writing to enter onto so much of the part of the Property shown coloured pink on Plan A as is necessary to lay construct and erect therein in such position as the Vendor shall reasonably determine to adoptable standards a road together with footpaths lighting columns drains sewers and to carry out any associated works SUBJECT TO making good any damage or any disturbance caused to the land coloured pink on the Plan PROVIDED ALWAYS that any road constructed by the Vendor pursuant to the rights hereby granted shall not obstruct or interfere with any road constructed or to be constructed by the Purchaser on the land shown coloured pink on Plan A pursuant to the provision of this clause

A: Property Register continued

7. The right at all times hereafter for the Vendor its servants and agents and others authorised by it or them to use on foot only the footpaths and with or without vehicles the road constructed or to be constructed in pursuance of the rights set out in paragraph 6 of this Schedule pending their adoption as a road and footpaths maintainable at the public expense subject to making good any damage or disturbance to the said road footpaths and lighting columns.

8. The right for the Vendor its servants and agents and others authorised by it or them with or without vehicles plant and equipment at all reasonable times and upon giving reasonable notice (except in case of emergency) to enter upon so much of the Property as is reasonably necessary:-

8.1 To construct inspect maintain repair reinstate or renew:

8.1.1 A stone wall between the points H and J marked on Plan A

8.1.2 The surface water drain laid in the adjoining land to the south of the boundary of the Property between the points H and J marked on Plan A

8.2 To remove the aforesaid surface water drain and relay the same in such positions as shall be reasonably required or approved by the Vendor to the west of the said adjoining land and also within the part of the Property shown cross hatched black on Plan A together with all necessary work associated therewith

SUBJECT TO the person exercising any of the aforesaid rights making good any damage caused thereby or if such damage cannot be made good paying reasonable compensation in lieu thereof".

NOTE 1: The retained land referred to has been tinted pink on the title plan

NOTE: Copy plan filed.

5 (08.11.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of other land dated 2 June 2004 made between (1) The County Council of Durham and (2) Sunderland Marine Mutual Insurance company Limited.

NOTE: Copy filed under DU272953.

6 (08.11.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of other land dated 31 March 2005 made between (1) The County Council of Durham (Transferor) and (2) Rivergreen Limited (Transferee).

NOTE: Copy filed under title DU281163

7 (20.01.2006) A new title plan showing a revised extent has been prepared.

8 (30.11.2012) By a Deed dated 21 November 2012 made between (1) Durham Police Authority (2) The County Council of Durham and (3) Sunderland Marine Mutual Insurance Company Limited the rights contained in a Deed of Grant dated 8 October 2004 made between the same parties have been varied.

NOTE: Copy filed under DU285291.

9 (01.08.2016) The land has the benefit of any legal easements granted by a Deed dated 1 August 2016 made between (1) The Office of the Police and Crime Commissioner for Durham (Grantor) and (2) The County Council of Durham (Grantee).

NOTE: Copy filed under DU285291.

10 (17.07.2017) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

11 (20.11.2018) The land has the benefit of any legal easements reserved by a Transfer of the land edged and numbered DU371066 in green on the

A: Property Register continued

title plan dated 14 August 2018 made between (1) The County Council of Durham and (2) Daniel Trevor Jamieson and Alison Jamieson.

NOTE: Copy filed under DU371066.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (08.11.2005) PROPRIETOR: THE COUNTY COUNCIL OF DURHAM of Legal Services, County Hall, Durham DH1 5UL.

2 (08.11.2005) An Agreement for the sale of Site 5 Aykley Heads dated 6 April 2004 made between (1) The County Council of Durham (Seller) and (2) Sunderland Marine Mutual Insurance Company Limited (Buyer) contains Seller's personal covenants contained in clauses 28.3 to 28.5 inclusive.

NOTE 1: Extract and plans from the Agreement filed

By a Supplemental Agreement dated 11 February 2005 made between (1) The County Council of Durham (Seller) and (2) Sunderland Marine Mutual Insurance Company Limited (Buyer) the Sellers personal covenants were varied as therein mentioned.

NOTE 2: Copy Filed.

3 (08.11.2005) A Transfer dated 2 June 2004 referred to in the property register contains Vendor's personal covenants.

4 (24.06.2016) RESTRICTION: No disposition of the Easement Area referred to in the Deed of Easement of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by a Conveyancer that the provisions of paragraph 4 of Schedule 3 of the Deed of Easement dated 17 June 2016 referred to in the Charges Register have been complied with or that they do not apply to the disposition.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (08.11.2005) The land is subject to the following rights granted by a Conveyance of other land dated 14 August 1967 made between (1) The County Council of Durham and (2) The Mayor Aldermen and Citizens of the City of Durham and Framwelgate:-

"TOGETHER WITH the right and easement mentioned in clause 2 hereof

2. There is included in this Conveyance the right for the Corporation at all times to enter upon and use all or any part of the pieces or parcels of land situate at Framwelgate aforesaid comprising the whole three thousand eight hundred and two square yards or thereabouts and for the purpose of identification coloured green on the plan annexed hereto for or in connection with the formation of an embankment for highway purposes."

NOTE: Copy plan filed.

2 (08.11.2005) The land is subject to the rights contained in a Deed of Grant dated 28 December 1967 made between (1) The County Council of Durham (Grantor) and (2) Northern Gas Board (Grantee).

NOTE: Copy filed.

3 (08.11.2005) The land is subject to the rights contained in a Deed of

C: Charges Register continued

Grant dated 19 January 1977 made between (1) The County Council of Durham (Grantor) and (2) The North Eastern Electricity Board (Grantee).

NOTE: Copy filed.

4 (08.11.2005) The land is subject for a term of 60 years from 28 October 2005 to the right of way granted by a Lease of Easements dated 28 October 2005 made between (1) The County Council of Durham and (2) Northern Electric Distribution Limited.

NOTE: Copy filed under DU285291.

5 (08.11.2005) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

6 (19.04.2006) By a Deed dated 26 January 2006 made between (1) The County Council of Durham and (2) Rivergreen Limited the terms of the lease dated 23 June 1994 of land at Aykley Heads referred to in the schedule of leases hereto were varied.

NOTE: Copy Deed filed under DU193694.

7 (16.04.2010) The land is subject to the easements granted by a Lease of the land edged and numbered 1 in blue (part of) part of the ground floor dated 15 April 2010 made between (1) The County Council Of Durham and (2) The Sports Council Trust Company for a term of 6 years from 15 June 2009.

NOTE:-Copy filed.

8 (12.08.2014) The land is subject to the rights granted by a Deed of Grant dated 8 August 2014 made between (1) The County Council Of Durham and (2) Northern Powergrid (Northeast) Limited.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

9 (24.06.2016) The land is subject to any rights that are granted by a Deed of Easement dated 17 June 2016 made between (1) The County Council of Durham and (2) The Office of the Police and Crime Commissioner for Durham and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU285291.

10 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) William Dixon and Cordelia Dixon and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365480.

11 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Brian William Hill and Susan Elizabeth Hill and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365483.

12 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Stephen Nigel MacQuarrie and Marion Birgit MacQuarrie and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365482.

13 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Ian Peacock and June Denise Peacock and affect the registered land.

C: Charges Register continued

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed DU365486.

14 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) David Peter Lionel Herring and Julie Kate Oliver and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365487.

15 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Paul Jordan and Janet Jordan and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365489.

16 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Hugh Thompson and Diane Thompson and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365484.

17 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) William Gerard Keating and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365485.

18 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Mary Gibson Smith and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365481.

19 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Ian Burns and Patricia Ann Burns and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DU365488.

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	08.11.2005 tinted blue	Aykley Heads Business Centre	23.06.1994 150 years from and including 23 June 1994	DU193694

NOTE 1: Lease includes other land

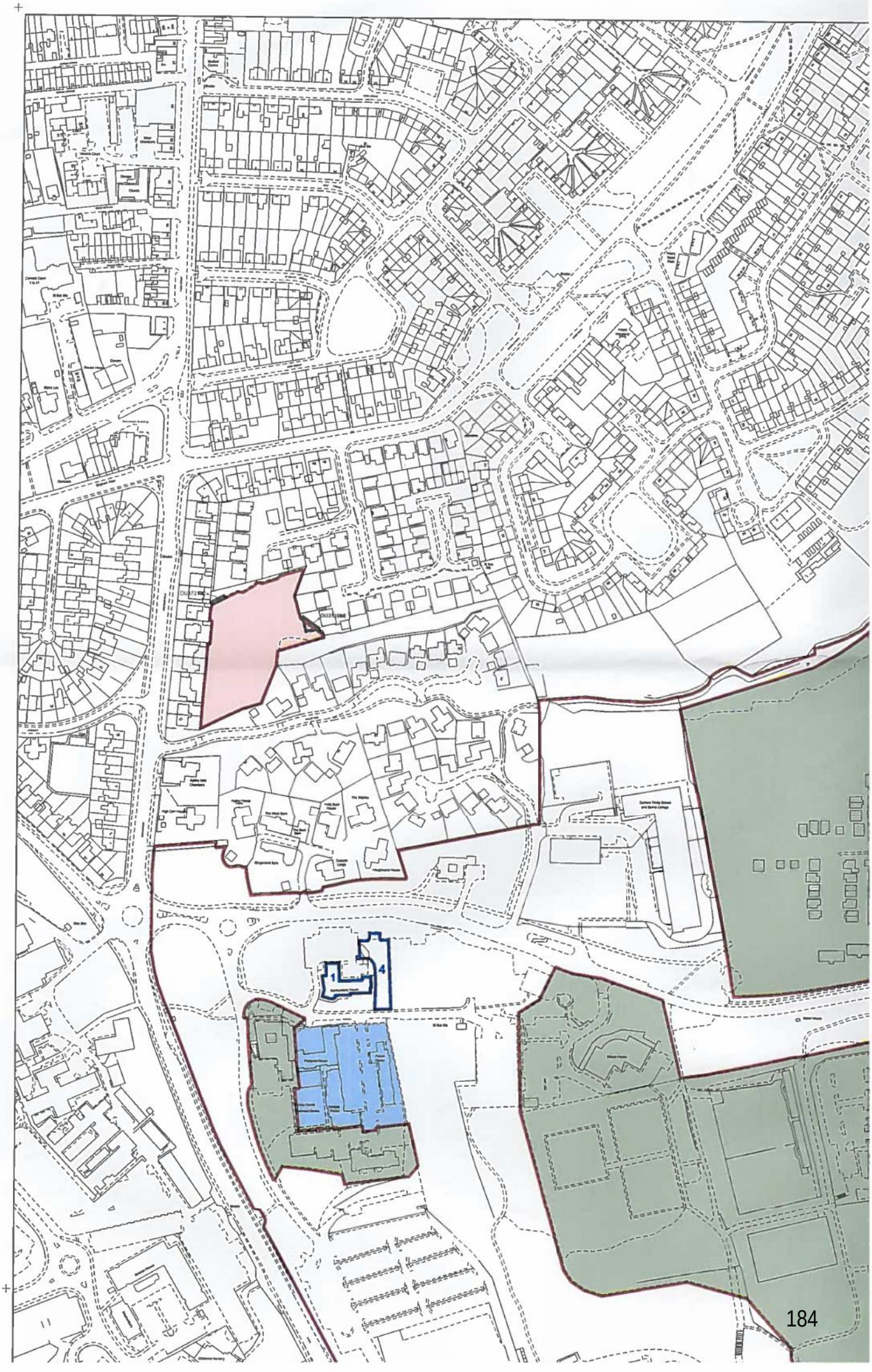
NOTE 2: See entry in the Charges Register relating to a Deed of Variation dated 26 January 2006

2	21.12.2007 edged and numbered 2 in blue (part of)	Telecommunications Control Room (penthouse level only)	16.11.2007 from and including 27/08/2006 to and including 26/08/2016	DU307298
3	02.11.2016	land on the north east side	26.10.2016	DU359412

Schedule of notices of leases continued

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
	Edged and numbered 3 in blue	of Framwellgate Peth	125 years from 1.11.2016	
4	05.02.2019 Edged and numbered 4 in blue	land on the east side of Northumbria House	17.01.2019 10 years from and including 17 January 2019	DU372385

End of register



HM Land Registry
Official copy of title plan

Title number **DU285400**
Ordnance Survey map reference **NZ2643NE**
Scale **1:2500**
Administrative area **County Durham**

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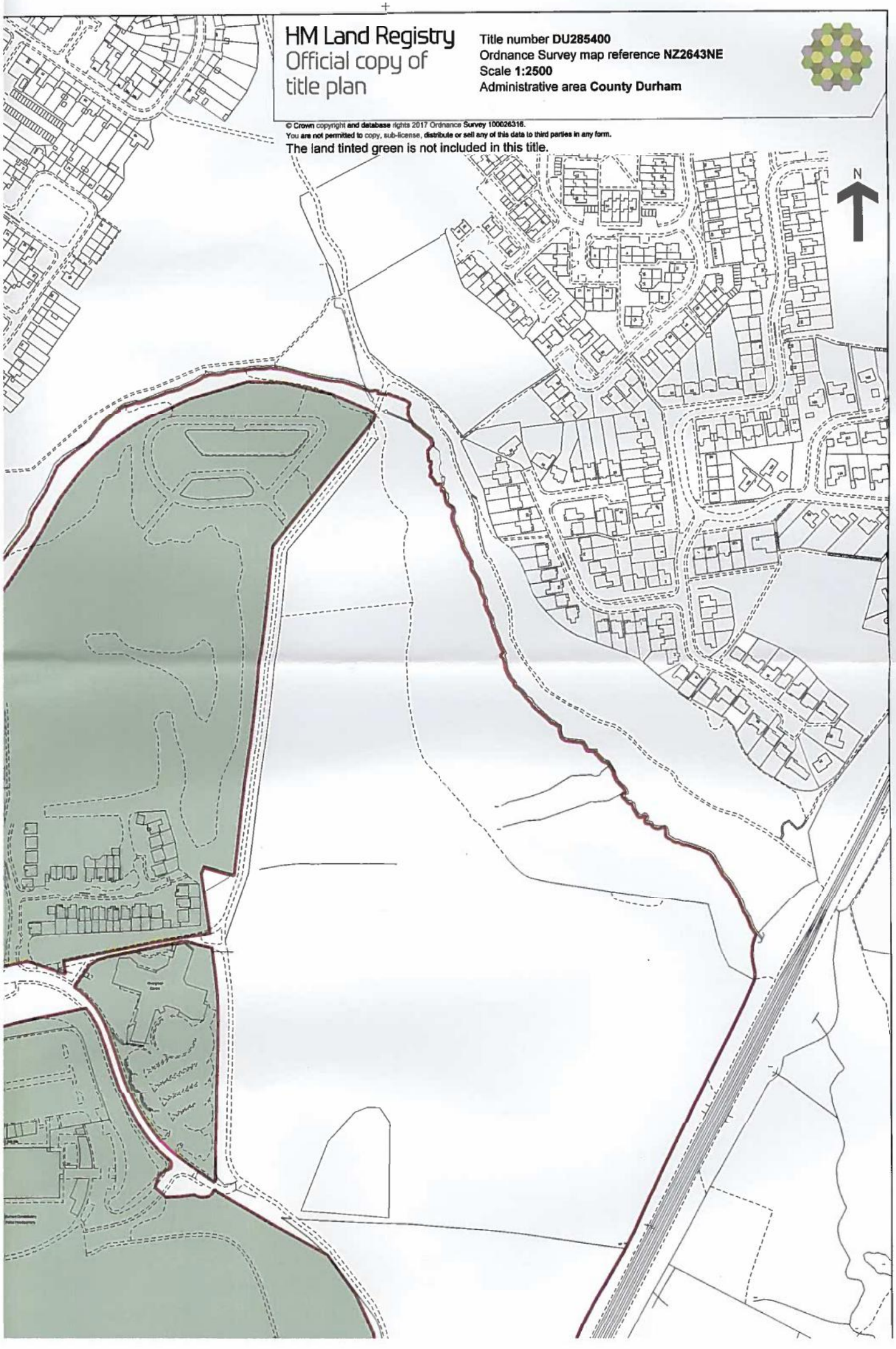
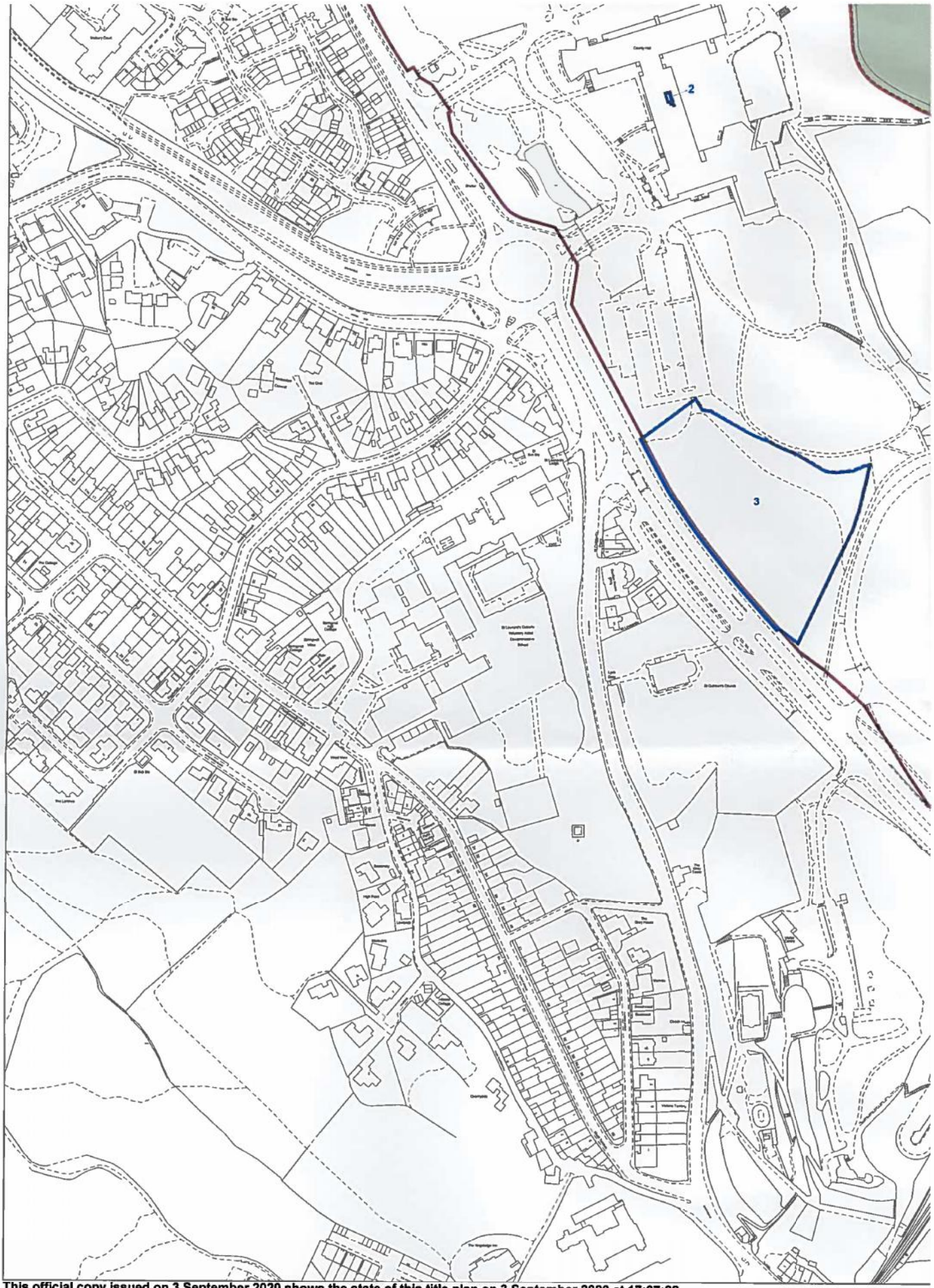
The land tinted green is not included in this title.





This official copy issued on 3 September 2020 shows the state of this title plan on 3 September 2020 at 17:07:22.
It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may
This title is dealt with by HM Land Registry, Durham Office.



ch measurements between the same points on the ground.

Schedule of easements relating to the title for the Replacement Land

Document and Date	Parties	Rights	Evaluation
Transfer dated 15th July 1992	The County Council of Durham (1) and Rivergreen Homes Limited (2)	The Transfer contains a subjective easement in favour of Rivergreen Homes Limited to repair maintain renew inspect replace and clean the Private Foul Sewer the First Drain and the Second Drain.	The land defined as Retained Land in the Transfer includes the Replacement Land and therefore the technically the Replacement land is legally defined as being burdened by the rights however the transfer land is some distance from the Replacement Land and it is unlikely that the sewers or their manholes are contained within the Replacement Land or that the beneficiaries of the easement would need access for maintenance.
Transfer dated 28th March 1994	The County Council of Durham (1) Wimpey Holdings Limited (2)	The Transfer contains an easement in favour of Wimpey Homes Limited A right of way over the spur road shown coloured brown on Plan A until such time as adopted.	This road is not in the vicinity of the Replacement Land.
Transfer dated 2nd June 2004	The County Council of Durham (1) and Sunderland Marine Mutual Insurance Company Limited (2)	Rights as follows; 1. A right of way on foot over the Retained Land to the Public Highway, to the west over the route shown coloured orange on plan 2 and orange and black on plan 1 2. A general right to connect in services to those that currently exist within the Retained Land. Note the Retained Land here includes the Replacement Common Land. A right subject to approval to connect in new service media the new route being no less commodious. 3. A right to connect electricity cabling subject to approval or a route by the Transferor. 4. A right to enter on onto the Retained Land (includes the Replacement Land) if necessary to clean decorate or replace any building together with workmen plant or machinery required 5. A right of support.	There is sufficient proximity of the land transferred here to potentially affect the Replacement Land. 1. Probably doesn't affect the Replacement Land and there is no adopted road or footpath on the western side of the common land so if there is a general right here it probably doesn't affect. 2. This right could affect the Replacement Land.

Conveyance refers to Wayleave dated 27th February 2004	The Transferor and Northern Electric Distribution (2)		Not been able to trace this document
Transfer dated the 31st March 2005	The County Council of Durham (1) and Rivergreen Limited (2)	1. A right to connect over roadways to the public highway. This is unlikely to affect because of the position of the public highway and the Replacement Land. 2. A general right to connect in services to those that currently exist laid in the roadway. A right to enter onto the Retained Land or other land in respect of maintaining their connections. A right to connect and lay new services subject to Transferors Approval with a right to the Transferor to relocate these and the new route being no less commodious. .	The Transfer property is here is also sufficiently proximate to affect the Replacement Land.
Deed of Grant Dated 1st of August 2016	Durham Police Authority (1) The County Council of Durham (2) Sunderland Marine Mutual Insurance Company Limited (3) (to vary the rights in the Deed of Grant dated 08th of October 2004.)	Beneficial Easement in favour of the Council	
Agreement for Sale dated 6th April 2004	The County Council of Durham (1) and Sunderland Marine and Mutual Assurance Company (2)	The scanned version from of this document available from Land Registry is incomplete and original document not viewed.	
Agreement dated 11th February 2005	The County Council of Durham (1) and Sunderland Marine Mutual Insurance Company (2).	Need to check position of suds pond and drainage with Assets	Possibly could affect - SUDS is to eh south of the replacement land.
Deed of Easement dated the 17th June 2016	The County Council of Durham (1) and The Police and Crime Commissioner for Durham (2).	The Easement applies to land to the North of Rivergreen not contained within the Replacement Land.	Easement is confined to land north of Rivergreen and is not contained within the Replacement land.
Conveyance Dated 14th August 1967	The County Council of Durham (1) The Mayor Alderman and Citizens of the City of Durham and Framwelgate (2)	Relates to highway land in Framwelgate	Proximity of the rights are such that the entries are unlikely to affect the Replacement land.
Deed of Grant dated 28th December 1967	The County Council of Durham (1) and Northern Gas Board (Grantee) (2)	Doesn't appear to be in the vicinity of the Replacement Land	Proximity of the easement is such that the entries are unlikely to affect the Replacement land.

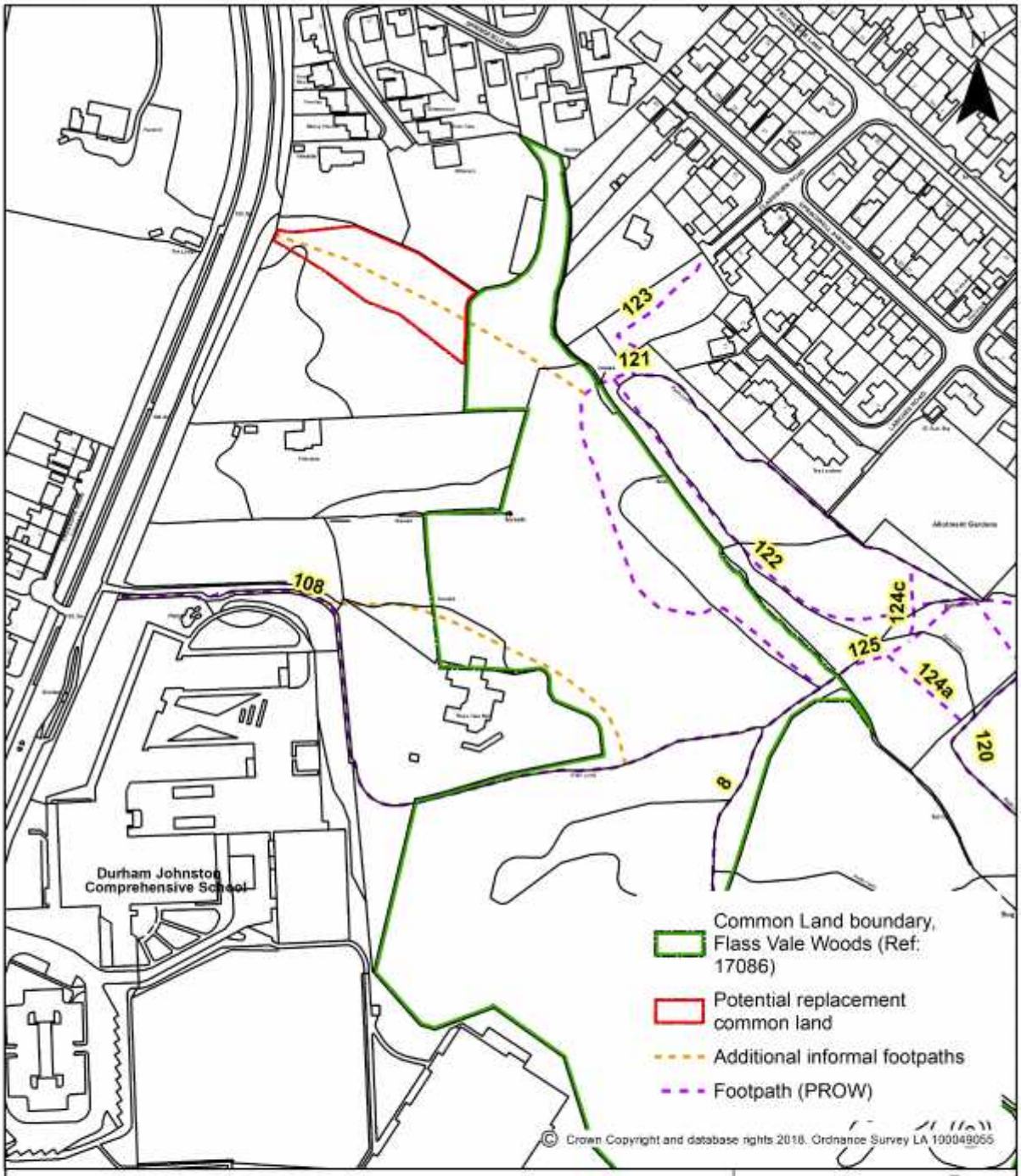
Deed of Grant dated 19th of January 1977	The County Council of Durham (1) and The North Eastern Electricity Board (2)	A right to lay place use maintain inspect and repair cable in and under the part of the land coloured green on the plan. A right to enter with or without vehicles plant and equipment from time to time and for all purposes in connection with the said electric lines. A right to Lop feel trees interfering with this right. Restrictive Covenants DCC must not do anything to allow leaks of electricity Not erect any buildings stacks or structures No buildings stacks or structures within a metre either side.	
Lease of Easements Dated 28th of October 2005	The County Council of Durham (1) and Northern Electric Distribution (2).	This looks to run into the North West corner of the Rivergreen site.	Proximity of the easements are such that the entries are unlikely to affect the Replacement land.
Deed dated 26th January 2006	The County Council of Durham (1) and Rivergreen Limited (2)	Provisions of this document do not create a subjective right.	Not likely to affect
Lease of Land dated 15th April 2010	The County Council of Durham (1) and The Sports Trust Company (2) for a term of 6years	This is now come to an end and a new lease granted to Northumbria House pending registration by tenants solicitors Subjective easements from this lease for access There is also a car parking lease to be entered into in early February which contains a right of access to use existing services.	Proximity of the easements are such that the entries are unlikely to affect the Replacement land
Deed of Grant dated 8th of August 2014	The County Council of Durham (1) and Northern Powergrid (2)	A right to lay place underground cable behind the new police headquarters To use maintain inspect renew and replace the reserve A right to reposition the cable reserve however should be as near as possible to the reserve Lop Fell trees and bushes that endanger the apparatus	Proximity of the cable reserve is such that the entries are unlikely to affect the Replacement land.

Deed of Easement dated the 17th of June 2016	The County Council of Durham (1) and The Police and Crime Commissioner (2)	The rights are situated to the North of Rivergreen and run though some housing adjacent to Durham Trinity School. A right to lay drainage conduits and discharge into a beck. The right is protected by a self cert restriction on the registered title that there can be no disposition of the land without confirmation that an obligation to enter into an agreement with a statutory undertaker have been complied with or do not apply to the disposition.	Proximity of the easement is such that the entries are unlikely to affect the Replacement land.
Deed of Grant dated 27th of November 2017	The County Council of Durham (1) and William and Cordelia Dixon (2)	A right of way also protected by Grantor's restrictive covenants over land for access to residential properties.	Proximity of the easement is such that the entries are unlikely to affect the Replacement land.
Deed dated 27th November 2017	The County Council of Durham (1) Stephen Nigel McQuarrie and Marion Birgit MacQuarrie (2)	A right of way also protected by Grantor's restrictive covenants over land for access to residential properties.	Proximity of the easement is such that the entries are unlikely to affect the Replacement land.
Deed dated 27th of November 2017	The County Council of Durham (1) Ian Peacock and June Denise Peacock (2)	A right of way also protected by Grantor's restrictive covenants over land for access to residential properties.	Proximity of the easement is such that the entries are unlikely to affect the Replacement land
Deed dated 27th November 2017	The County Council of Durham (1) Hugh Thompson and Diane Thompson (2)	A right of way also protected by Grantor's restrictive covenants over land for access to residential properties.	Proximity of the easement is such that the entries are unlikely to affect the Replacement land
Deed dated 27th November 2017	The County Council of Durham (1) Mary Gibson Smith (2)	A right of way also protected by Grantor's restrictive covenants over land for access to residential properties.	Proximity of the easement is such that the entries are unlikely to affect the Replacement land
Lease dated 23rd of June 1994	The County Council of Durham (1) and Rivergreen Developments Limited (2)	Footpaths A right to enter on the area coloured brown on the plan for vehicles until such time as they are adopted similarly footpaths. A right to enter on to the remaining land to maintain or constructions of footpaths. Rights over paths coloured yellow on the plan Services	Proximity of the rights are that the entries are unlikely to affect the Replacement Land

		Right to connect into services through the land together with a right to enter onto such other parts of the Estate (includes the Replacement land) as are necessary to cleanse connect lay remove. Right at any time to enter onto adjoining parts of the neighbouring property or site 4 as necessary to view the state and condition. Support A right of support and protection Diversion right to divert roads or path with the written consent of the Landlord.	
Telecoms Lease dated 16th November 2007	The County Council of Durham (1) O2UK (2)	Rights to pass over land and building from the adopted highway	Proximity of the rights are that the entries are unlikely to affect the Replacement Land.
Lease dated 2nd November 2016	The County Council of Durham (1) and Durham Martyrs Academy Trust (2).	Rights to pass services and access with notice onto the landlords Retained land defined as all in the above title.	Proximity of the rights are that the entries are unlikely to affect the Replacement Land.

Potential replacement sites assessment – October 2018

1. Land south of Springfield Park, Flass Vale



Land South of Springfield Park, Flass Vale

Scale : 1:2,500

Total Area Edged Red : 2852.63 m², 0.705 Acres or thereabouts.

Based Upon O.S Map : NZ2643. Date: 22/05/2017

UPRN NO : . Plan Ref : ARC-17-175.

0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

1. Land south of Springfield Park, Flass Vale

Location and Description:

The land is in woodland use located adjacent to western end of Flass Vale Common Land.

Crossing the land in an east – west direction, is an informal footpath which connects the Common Land to the A167 and the residential area of Whitesmocks to the west.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Prior to circa 1960 the land was in open agricultural use.

The land is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

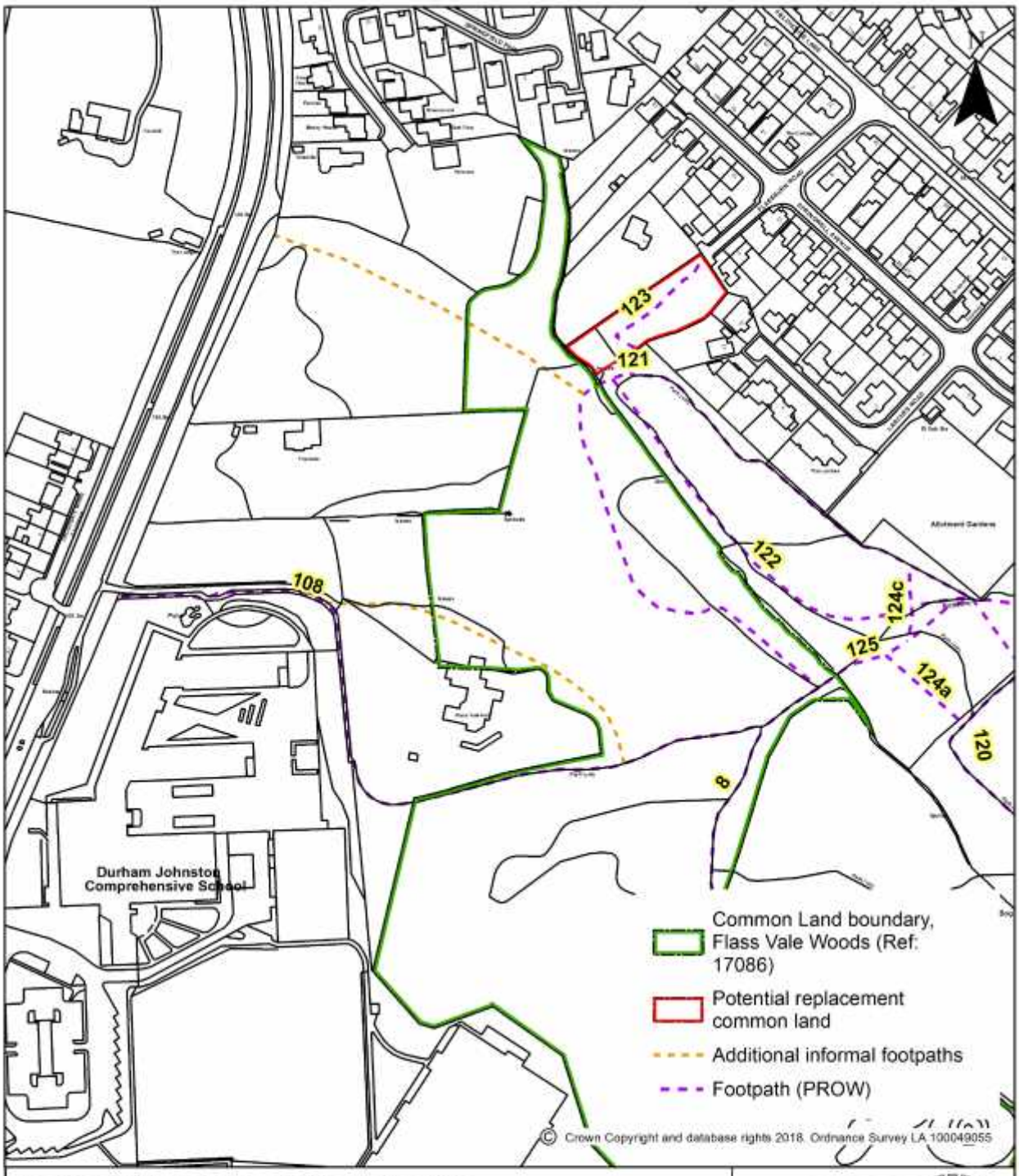
Assessment

Site area:	2,853 (m^2):	**UPRN:**	50509S01	**Current use:**	Woodland	**Distance to The Sands:** (Straight line)	1.3 km
Proximity to Public rights of way:	No – informal path crossing the site	**Within a Conservation Area**	Yes	**Tree preservation Orders:**	No	**Ancient Woodland:**	No
Green Belt Status	Yes	**Within an SSSI**	No	**Local Nature reserve/site:**	Adjacent to Flass Vale Wildlife Site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology	Forms part of the Flass Vale Local Nature Reserve and adjoins the Local Wildlife Site. The site looks to be 100% wooded and so conversation to grazing land would result in loss of woodland (net loss of biodiversity) and ecological connectivity.
Archaeology	No response received
Public Rights of Way	Informal footpath through it. If the land was cleared and fenced then suitable pedestrian access structures would be required to allow access along the route being used by the public.
Heritage & Conservation	This is primarily a landscape issue and would therefore default to their comments.
Planning	This land forms part of the Durham City Conservation Area, the Green Belt, Area of High Landscape Value and forms part of a Local Nature Reserve. It is also designated as part of an area of accessible open space. The loss of trees necessary to facilitate this would be harmful exacerbated by its Conservation Area, Green Belt, AHLV and ecological designations.
Landscape	Woodland<50years old that has naturally colonised a shallow valley in the head of Flass Vale. It is attractive in itself and I would see the removal of trees from that area as harmful unless part of a conservation management plan for the vale supported by the Friends group.
Regeneration	Not applicable
Suitability:	Not considered suitable due to loss woodland, impact on LNR and landscape issues

2. Land south west of Flassburn Road:



Land South West of Flassburn Road, Flass Vale

Scale : 1:2,500

Total Area Edged Red : 1861.687 m², 0.460 Acres or thereabouts.

Based Upon O.S Map : NZ2643. Date: 05/06/2017

UPRN NO : . Plan Ref : ARC-17-189.

0 75 150 300 Meters

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2. Land south west of Flassburn Road

Location and Description:

The land is in woodland use located adjacent to northern end of Flass Vale Common Land and forms a link to the residential to the north.

Crossing the land in a north east – south west direction, is formal footpath 123 which connects the Common Land to the residential area of North End to the north.

The south western section of the land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Between 1923 and 1940 the land was used as a sewage works for Durham Corporation.

The land is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

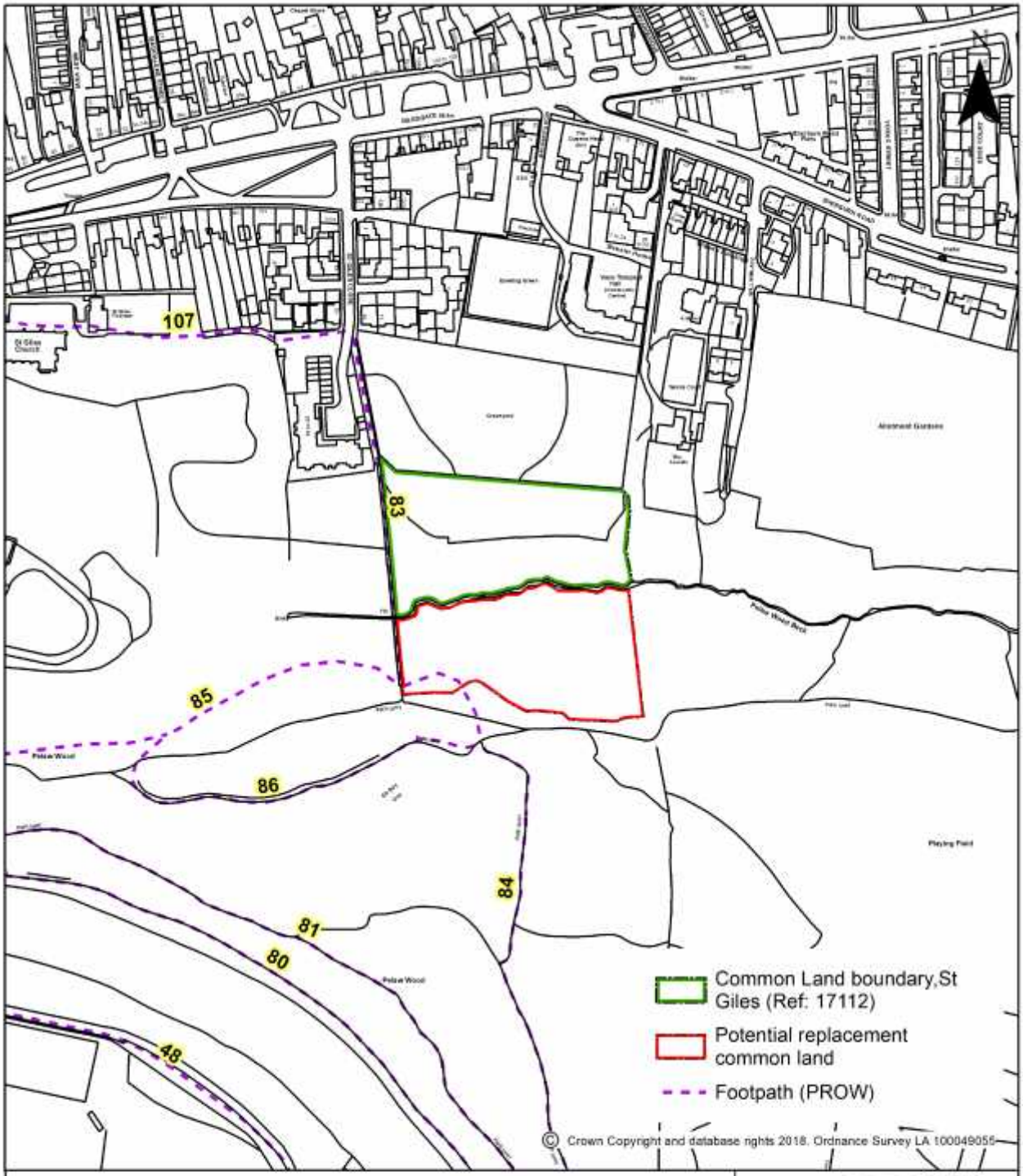
Assessment

Site area	1,862 (m^2)	**UPRN:**	50148S01	**Current use:**	Woodland	**Distance to The Sands** (Straight line)	1.2 km
Proximity to Public rights of way:	Yes – footpath 123 crosses the site	**Within a Conservation Area**	Yes – only a small section at the south east corner	**Tree preservation Orders:**	Yes	**Ancient Woodland:**	No
Green Belt Status	Yes – only a small section on southern boundary.	**Within an SSSI**	No	**Local Nature reserve/site:**	Adjacent to Flass Vale Wildlife Site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology	Forms part of the Flass Vale Local Nature Reserve and adjoins the Local Wildlife Site. The site looks to be 100% wooded and so conversation to grazing land would result in loss of woodland (net loss of biodiversity) and ecological connectivity.
Archaeology	No comments received
Public Rights of Way	Public Footpath no.123 Durham City lies through it as well as another informal path not shown on the plan. If the land was cleared and fenced then suitable pedestrian structures would be required to facilitate public access. This site is currently having NWL storage tanks installed under part of it (the Footpath is temporarily closed).
Heritage & Conservation	This is primarily a landscape issue and would therefore default to their comments.
Planning	This is a similar site 1 above. Fractions of the western sections of the site lie within the Durham City Conservation Area and the Green Belt though most of the site is out with these designations. The site forms part of an Area of High Landscape Value and Local Nature Reserve. It is also designated as part of an area of accessible open space. Public Right of Way footpath no 123 Durham City crosses the site. Part of the site is covered by a Tree Preservation Order therefore consent for any works to these protected trees would require applying for. The loss of trees particularly those covered by the TPO would be harmful.
Landscape	Similar to site 1 but some of the trees are covered by a long standing TPO: their removal would be particularly harmful.
Regeneration	Not applicable.
Suitability:	Not considered suitable due to loss woodland, impact on LNR and landscape issues.

3. Land south of St Giles:



Land South of St Giles

Scale : 1:2,500

Total Area Edged Red : 6302.537 m², 1.557 Acres or thereabouts.

Based Upon O.S Map : NZ2842. Date: 25/07/2018

UPRN NO : 50399S01 (Part). Plan Ref : ARC-18-177.

0 75 150 300 Meters

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3. Land south of St Giles

Location and Description:

A steeply sloping and woodland on all the site adjacent to the southern boundary of the St Giles Common Land..

There is no vehicular access to the site and pedestrian access would form footpath 83 which is on the western boundary of the site and connects to footpath 84 crosses the south western corner of the land. Footpath 83 connects to the Gilesgate area to the north.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Historic mapping indicates that the site was in woodland use as early 1860.

The land is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

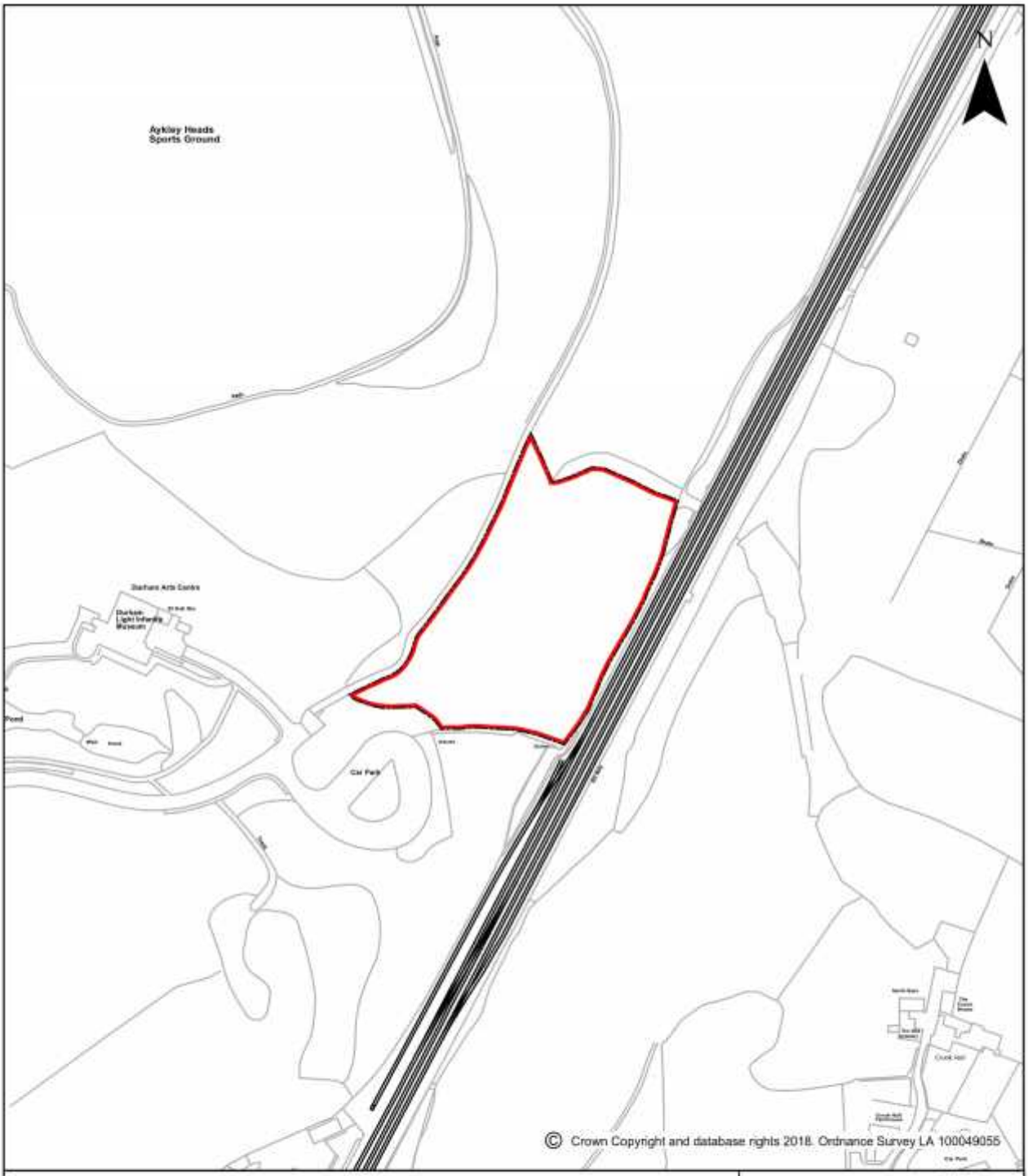
Assessment

Site area	6,303 (m^2)	**UPRN:**	50399S01	**Current use:**	Woodland	**Distance to The Sands** (Straight line)	1.17 km
Proximity to Public rights of way:	Yes – footpath 83	**Within a Conservation Area**	Yes	**Tree preservation Orders:**	No	**Ancient Woodland:**	Western boundary adjacent to area of ancient woodland.
Green Belt Status	Yes	**Within an SSSI**	No	**Local Nature reserve/site:**	Section on the southern included in the Pelaw Wood Local Wildlife site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology	Abuts the Pelaw Wood ancient woodland and LWS. The site looks to be 100% woodland. Again, loss of woodland habitats (net loss of biodiversity) and ecological connectivity.
Archaeology	No comment
Public Rights of Way	Plan shows legal line of Public Footpath no.84 through site however this route is unusable given both the steepness of the terrain and the fact that the southern end of Pelaw Wood Footbridge actually obstructs the path! The public use the well-established routes off the end of the bridge a little further south. The land is steep with mature and semi mature trees on it.
Heritage & Conservation	This is primarily a landscape issue and would therefore default to their comments.
Planning	This site is within the Conservation Area, Green Belt and Area of High Landscape Value. Whilst the site is not seemingly included in the Ancient Woodland Inventory there is a chance there is ancient woodland on site at the Local Plan does overwash the site with an ancient woodland related policy. Tree clearance would be harmful. Public right of way footpath 83 Durham City within site and footpaths 84 and 85 abut site.
Landscape	May be ancient woodland – it is not on the inventory but OS map regressions suggests it has always been woodland or wood-pasture. It is mature woodland in a dene adjacent to other ancient woodland. Clearance would be very harmful.
Regeneration	Not applicable
Suitability:	Not suitable – loss of woodland/habitat; no vehicular access and steep topography

4. Land at Aykley Wood, Aykley Heads



Possible Common Land replacement site at Aykley Wood, Aykley Heads

Plan Ref : ARC-18-193. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 12005.358 m², 2.967 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 13/08/2018.

UPRN NO : 0031S14 (Part).

0 75 150 300 Meters

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4. Land at Aykley Wood, Aykley Heads

Location and Description:

The site is located on the eastern boundary of the County Hall site in Durham. The site is sloping from north to south and from west to east towards the main east coast rail line.

The site is adjacent to the former Aykley Head pit, and clay quarry, which operated from 1869 to 1959 although does not appear to have been included in the operational area of the pit or quarry.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

The site is considered as woodland which is self-seeded.

The site is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

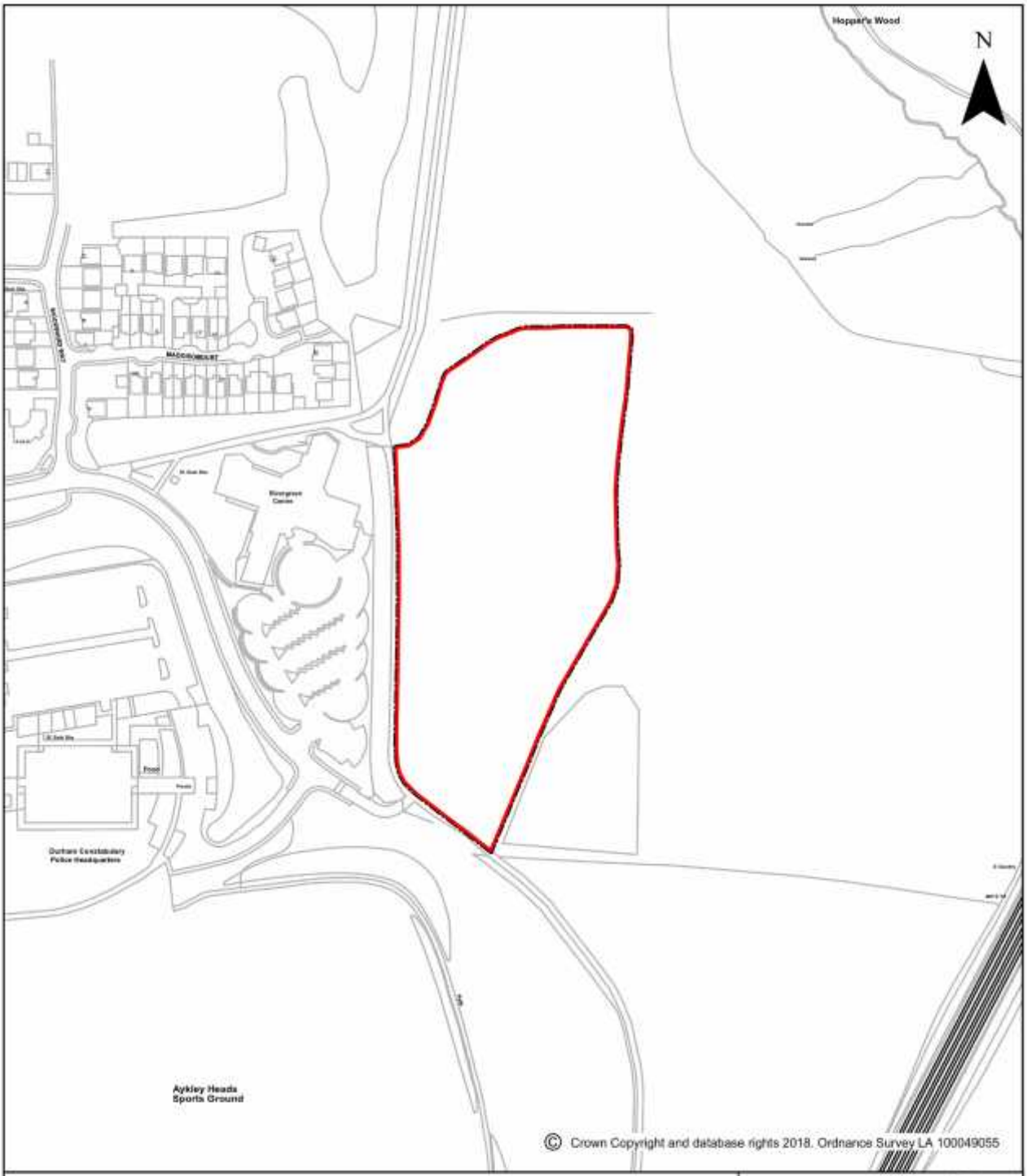
Assessment

Site area	12,005(m^2)	**UPRN:**	0031S14	**Current use:**	Woodland	**Distance to The Sands** (Straight line)	0.38
Proximity to Public rights of way:	No	**Within a Conservation Area**	Yes – small section in north west corner excluded.	**Tree preservation Orders:**	No	**Ancient Woodland:**	No
Green Belt Status	Yes	**Within an SSSI**	No	**Local Nature reserve/site:**	No	**Area of High Landscape Value:**	Yes

Consultation response

Ecology	The least ecologically damaging of the options, low quality woodland. Although still some loss of biodiversity there are no direct links to ancient woodland or designated habitats. Might impact on the Aykley Head Masterplan and this would need to be established before this site could be considered.
Archaeology	No comment
Public Rights of Way	No PROW or informal paths through it but it has a permissive cycle route adjacent to it (DLI up to Framwellgate Moor / Newton Hall).
Heritage & Conservation	This is primarily a landscape issue and would therefore default to their comments.
Planning	This site is within the Conservation Area, Green Belt and Area of High Landscape Value. There is some current planning history on this site at the moment – planning permission is about to be granted on the land for a temporary period (approx.. 1 year perhaps longer) for use of the site for storage of construction equipment, associated earthworks and welfare facilities by NWL.
Landscape	An area of scrub that has colonised abandoned grassland – but it will have a role to play in the wider Aykley Heads masterplan - not convinced it's a good idea to remove the vegetation or to sterilise it for a single use that might preclude other uses at this stage.
Regeneration	No comment
Suitability:	Not suitable due to loss of habitat.

5. Land east of Rivergreen Centre, Aykley Heads:



Possible Common Land replacement site east of Rivergreen Centre

Plan Ref : ARC-18-194. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 21810.875 m², 5.39 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 13/08/2018.

UPRN NO : 3491S01 (Part).

0 75 150 300 Meters

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5. Land east of Rivergreen Centre, Aykley Heads

Location and Description:

The site is located on the eastern boundary of the County Hall site in Durham. The site is sloping from north to south.

The land has been in agricultural use since the first O.S plans of 1860. In 2006 as part of the landscape improvement works to Aykley Heads the land was laid out open grazing meadow use in 2006 a use which not been implemented and remains open with no tree cover.

The land was appropriated on the 22nd February 2008 to the Countryside Act for the Minerals Valleys Project (tree planting scheme within the County)

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

The land is of sufficient size to replace The Sands Common Land and would not require any trees to be removed to provide the open grazing area consistent with Common Lands Registration.

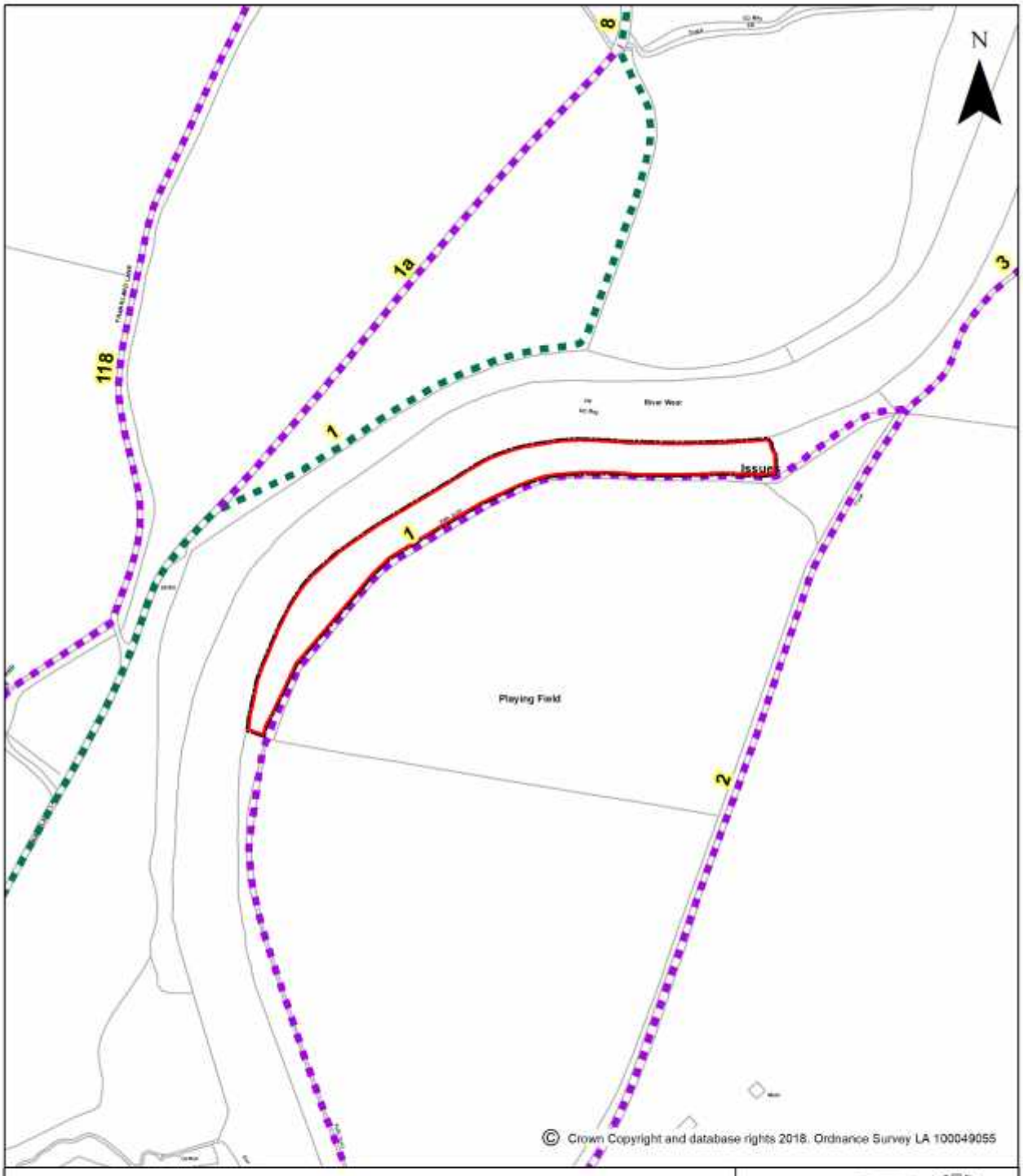
Assessment

Site area	21,811(m^2)	**UPRN:**	3491S01	**Current use:**	Open meadow	**Distance to The Sands** (Straight line)	0.79
Proximity to Public rights of way:	No.	**Within a Conservation Area**	No.	**Tree preservation Orders:**	No.	**Ancient Woodland:**	No.
Green Belt Status	Yes.	**Within an SSSI**	No	**Local Nature reserve:**	Adjacent to Flass Vale Wildlife Site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology	Currently a good quality semi-improved grassland, again potential for significant biodiversity loss as assumed we would lose control over the management (currently managed by Countryside, annual hay cut). Also the site will form part of the Aykley Head Masterplan and there are concerns that there could be conflict here.
Archaeology	No comment
Public Rights of Way	No PROW or informal paths through it but it has a permissive cycle route adjacent to it (DLI up to Framwellgate Moor / Newton Hall). Already grazing land and the best candidate by far. The North East Harrier Cross-country league, when they use Aykley Heads as one of their running courses, have tapped out part the course through this site before; it is just grassland as far as I can remember, and already fenced around the perimeter. I can't recall if there are public access points onto the land. Considered in the PROW office to be the best candidate.
Heritage & Conservation	This is primarily a landscape issue and would therefore default to their comments.
Planning	This site is within the Green Belt and Area of High Landscape Value and is designated as an area of accessible open space.
Landscape	An area of grassland that will have a role to play in the wider Aykley Heads masterplan –not convinced it's a good idea to sterilise it for a single use that might preclude other uses at this stage
Regeneration	No comment
Suitability:	Suitable

6. Land at providence Row, Durham:



Land at Providence Row, Durham

Plan Ref : ARC-18-196. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 5837.78 m², 1.443 Acres or thereabouts.

Based Upon O.S Map : NZ2843. Date: 15/08/2018.

UPRN NO : 0753S03 (Part).

0 75 150 300 Meters

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6. Land at Providence Row, Durham

Location and Description:

Site is the river bank with riparian vegetation adjacent to the detached school playing for Durham Sixth Form College.

The land is within the Environment Agency flood zones 2 & 3.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Site larger than required as a replacement.

Included within the area of the detached school playing field and would require DFE approval to a S77 application.

Assessment

Site area	3,838 (m^2)	**UPRN:**	0753S03	**Current use:**	Open land adjacent to river – riparian land	**Distance to The Sands** (Straight line)	0.9
Proximity to Public rights of way:	Yes – footpath 1 forms the eastern boundary	**Within a Conservation Area**	No.	**Tree preservation Orders:**	No.	**Ancient Woodland:**	No,
Green Belt Status	Yes.	**Within an SSSI**	No.	**Local Nature reserve:**	No.	**Area of High Landscape Value:**	Yes.

Consultation response

Ecology	Certainly more viable from an ecological perspective, as grazing is far less likely to be detrimental to extant habitats and there would be no clearance of woodland.
Archaeology	No comments received
Public Rights of Way	This is a heavily vegetated section of riverbank, adjacent to Public Footpath No 1 Belmont. Removal of vegetation would increase the risk of bank erosion/collapse, reducing both the grazing area and potentially threatening the Public Footpath.
Heritage & Conservation	This is primarily a landscape issue and would therefore default to their comments.
Planning	This site is within the Green Belt and Area of High Landscape Value and is designated as an area of accessible open space. Public footpath no 1 Belmont Parish passes adjacent to site
Landscape	A more appropriate like for like replacement for land at the sands would be further downstream on the river banks adjacent to the detached playing fields. You could dedicate the whole riparian strip of around 6,850m2 of flat riverside flood plain which would be both similar in character and nearby on the same side of the river. Suitability for grazing would be theoretical– like the Sands. You could even transfer fishing rights to the Freemen - like the sands.
Regeneration	Not applicable.
Suitability:	Not suitable – no vehicular access and affects on PROW and riverbanks.

Delegated Authority report for site selection and submission of S16 application

DELEGATED DECISION

Head of Planning and Assets

October 2018

Decision to submit an application for the deregistration of an area of Common Land at the Sands and the offer of replacement land

Report of Head of Planning and Assets
Stuart Timmiss

Purpose of the Report

1. To authorise the submission of an application to deregister an area of Common Land at The Sands and to identify the replacement land offered.

Background

2. An area of 2.91 hectares of land at the Sands Durham City is registered as Common Land. The register records the rights of the Freemen of the City of Durham to graze their animals on the land. Part of the site amounting to 0.17 hectares has been used as a coach park for many years. It is this small area ("The Release Land") in respect of which the Council proposes to seek deregistration. The Release Land is within the Durham City Conservation area and in the ownership of the Council (as statutory successor to Durham City Council).

3. The Council requires possession of the land without the restrictions imposed by registration as Common Land in order to construct a new car park for its proposed new headquarters which it intends to construct on the adjoining land.

4. The Council has identified an area of land which can be offered as "Replacement Land". The Replacement Land is located at Aykley Heads, approximately 0.79km to the North of the Release Land. It is significantly larger than the Release Land, consisting of 1.84 ha of enclosed meadow land. The Replacement Land is in the ownership and management of the Council and was originally purchased as part of the area acquired for the Council's offices at County Hall. It is currently grassed with management consisting of an annual grass cut and has the appearance of an undulating meadow.

5. The Replacement Land is extremely accessible on foot from the Sands and elsewhere due to a network of permissive and public footpaths. There are permissive footpaths around the perimeter of the site and a permissive cycle route, but no permissive or public rights of way over the land which is fenced in. The only access which has taken place is a cross country running event, with the consent of the Council.

6. In planning terms, the Replacement Land is within the City of Durham Greenbelt and is also designated as part of the Area of High Landscape Value. It is recognized as an

area of open space in the Council's Open Space Needs Assessment which is part of the evidence base for the emerging replacement development plan for the County (the County Durham Plan).

7. The landscape character of the Replacement Land is:

Open grassland;

In terms of ecology & nature conservation, the Replacement Land is moderate semi-improved grassland and does not enjoy any protected habitat designations or species;

The trees and hedgerows on the edges of the Replacement Land are not protected;

The Replacement Land does not contain any known Archaeological assets or any heritage assets.

8. It is the Council's case that the deregistration of the release land and the registration of the replacement land will leave the relevant statutory interests no worse off and will in fact result in a benefit to these. In terms of quantity, the replacement land is some 11 times larger than the release land and in terms of quality, it is a substantial improvement over the release land.

9. In the alternative, the benefits of the new Council HQ at the Sands are so significant that the public interest in securing these benefits outweighs any relevant harm arising from the loss of the release land as Common land.

Details of any alternative options considered and rejected when making the decision

10. The Council has considered alternative replacement sites and concluded that the one offered is the most beneficial for potential users of the Common Land.

11. Six areas of potential replacement land were identified and can be summarised as:

Land south of Springfield Park, Flass Vale – adjoining Flass Vale Common Land;

Land south west of Flassburn Road – adjoining Flass Vale Common Land;

Land at St Giles Well – adjoining St Giles Well Common Land;

Land at Aykley Woods, Aykley Heads – approximately 380m* to the north of The Sands;

Land to the east of the Rivergreen Centre, Akley Heads - approximately 790m* to north of The Sands; and,

Land at Providence Row, Durham - approximately 900m* to the north east of The Sands.

*Direct line distance

12. Consultation on the six sites which had been identified was undertaken in August 2018 with a range of Council services.

13. In summary, the three areas of DCC land adjoining the existing Common Land at Flass Vale and St Giles (sites 1 – 3) were not considered suitable due to the significant effect on the ecology, landscape of the land and the removal of vegetation.

14. Site 4 is located close to the Strategic Employment Site Master Plan and is composed of self-seeded woodland. The removal of the vegetation, in order to provide open grazing consistent with The Sands Common Land, is likely to have impact on the landscape setting of the site and any longer term contribution to the masterplan for the Strategic Employment Site.

15. Site 5 is close to the Aykley Strategic Employment site although not directly adjoining. This area of land was laid out in 2008 as part of a wider planting scheme for the area. The intention was that it would act as meadowland grazing and whilst there would be some loss of biodiversity, this site represents the least impact. The site extends to 18,371 m^2.

16. The proposed site at Providence Row (site 6) due to the potential effect of removing the vegetation on the adjoining riverbank is not considered suitable. In addition, this site is adjoining a Public Right of Way and in this situation there would not be a material increase in public accessibility to land.

17. All the sites identified are larger than the area of Common Land to be replaced.

Recommendations and reasons

18. To submit an application to deregister the 0.1 hectares of land registered as Common Land but used currently as a coach park and offer in replacement an area of 1.84 hectares at Aykley Heads.

Decision

19. To submit an application to deregister the 0.18 hectares of land registered as Common Land but used currently as a coach park and offer in replacement an area of 2.18 hectares at Aykley Heads

Contact: Peter Hewson Tel: 03000 267482

Appendix 1: Implications

Finance – The Application is likely to result in a Public Inquiry at which counsel will need to be instructed. The extent of legal costs will be determined by the length of the inquiry which in turn will be influenced by the extent of objection if any) to the proposal

Staffing – The proposal is necessary to support the development of the new HQ

Risk – Approval of the application rests at the discretion of the Secretary of State after receiving a report from an inspector appointed by PINS so the outcome cannot be guaranteed.

Equality and Diversity / Public Sector Equality Duty - None

Accommodation – The proposal supports the Accommodation Strategy

Crime and Disorder - None

Human Rights – The rights of those entitled to use the Common Land are protected by the procedure under the Commons Act 2006 which the Council must follow in making the application.

Consultation – The Council will consult the freemen of the City of Durham, Durham Parish Council, Historic England and Natural England and the application will be advertised in a local newspaper.

Procurement – Specialist Counsel has been engaged selected on the basis of having previously advised on the status of the site.

Disability Issues - None

Legal Implications – the Council is following a procedure laid down in Section 16 of the Commons Act 2006.

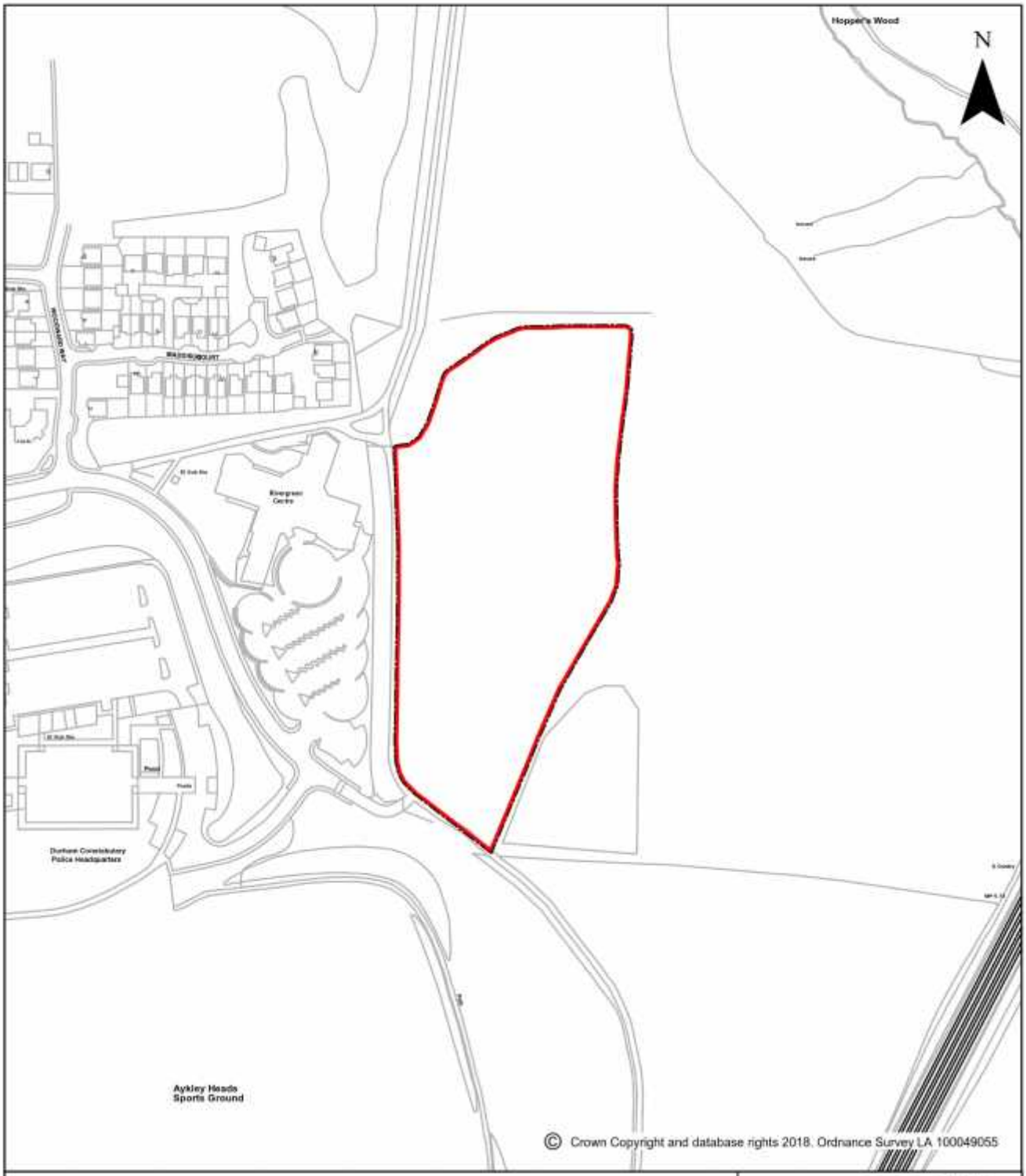
Appendix 2

Copy plan of the release land and the replacement land.

Plan 1: Release Land



Plan 2: Replacement Land



Possible Common Land replacement site east of Rivergreen Centre

Plan Ref : ARC-18-194. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 21810.875 m², 5.39 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 13/08/2018.

UPRN NO : 3491S01 (Part).

0 75 150 300 Meters

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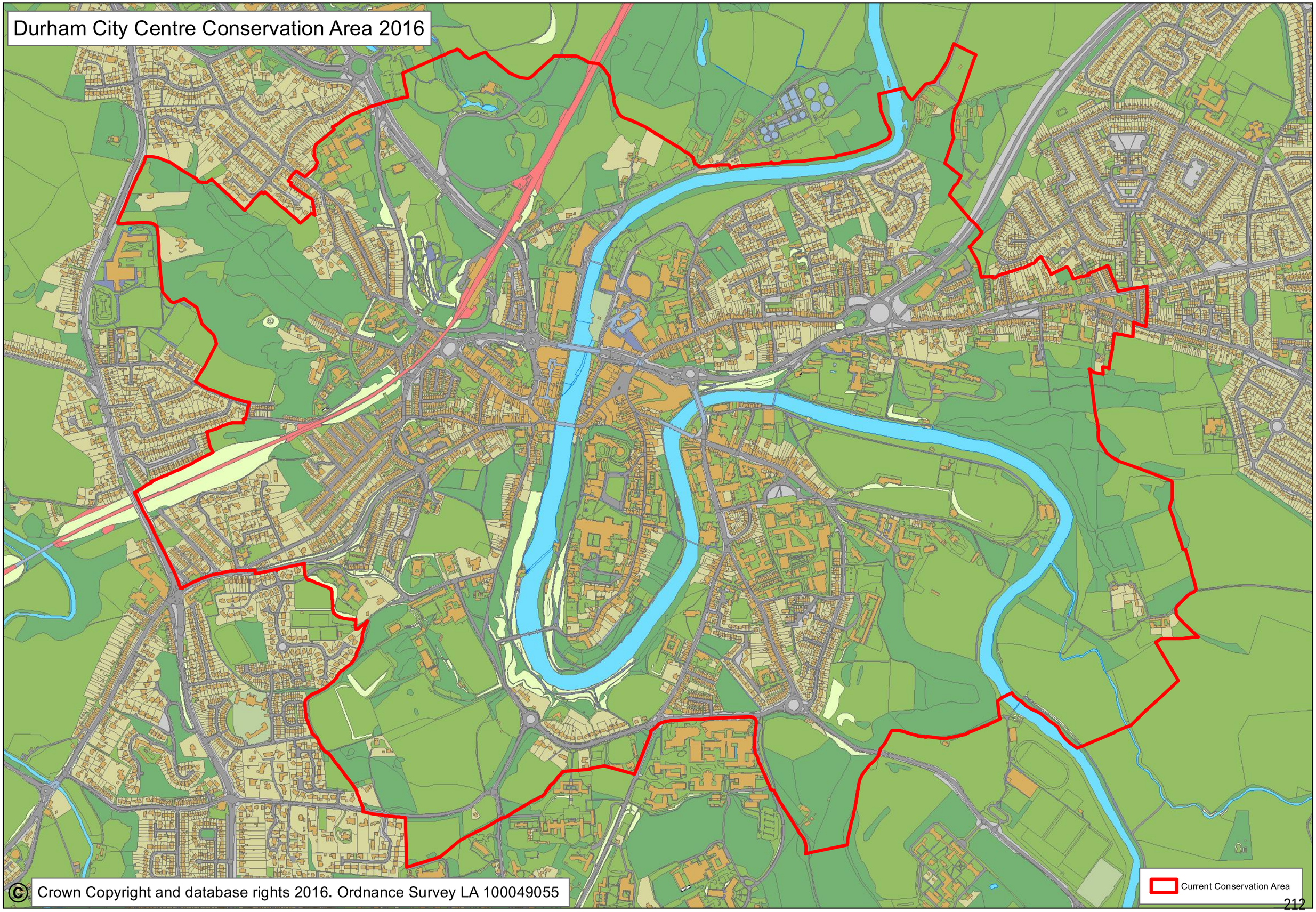
ASSET MANAGEMENT DIVISION.

Common Land– List of consultees

Consultee
County Council of Durham Members: Lead Member- Carl Marshall Portfolio Holder- Kevin Shaw Ward Members: Richard Ormerod David Freeman Cllr Elizabeth Scott Cllr Elizabeth Brown
Freeman of the City of Durham
City of Durham Civil Parish
Open Spaces Society
Ramblers Association Durham
Residents Associations: Gilesgate Residents Association St Nicholas's Resident Association
CPRE
Durham Wildlife Trust
DCC Countryside Team (managing agents)
Rivergreen
County Durham Police & Crime Commissioner
Natural England
Roberta-Blackman Woods MP- Durham City.
Sixth Form College
Historic England
Sunderland Marine Insurance
Local Access Forum

Durham City Centre Conservation Area 2016



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Durham City Conservation Area







Executive Summary

July 2016

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Key Dates

Original Designation	7 August 1968
Boundary Amended	25 November 1980
Boundary Amended	14 July 2016
Character Area Appraisal Approved	14 July 2016



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Executive Summary

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1 Overview

1.1 Summary of Special Interest & Significance

The appraisal is an important part of the Councils statutory duty to prepare and publish proposals to preserve and enhance the Durham (City Centre) Conservation Area. It does so by defining the unique characteristics which make the historic city centre so special and by identifying negative aspects, threats and opportunities to its preservation and enhancement. This provides the foundation for developing practical policies and proposals for the management of the conservation area which will enable it to play a positive role in shaping an economically and socially successful city.

Durham City was designated as a conservation area on the 9th August 1968. This original designation included the peninsula with Durham Castle and cathedral, the Market Place and the Medieval streets leading out from Silver Street to the west, Claypath to the northeast, Elvet to the east and the slightly more distant Medieval suburb of Gilesgate.

The original conservation area boundary concentrated on the historic core of the city but did not include the larger areas abutting the Medieval core which possess separate identities of interest and diversity worthy of conservation area designation.

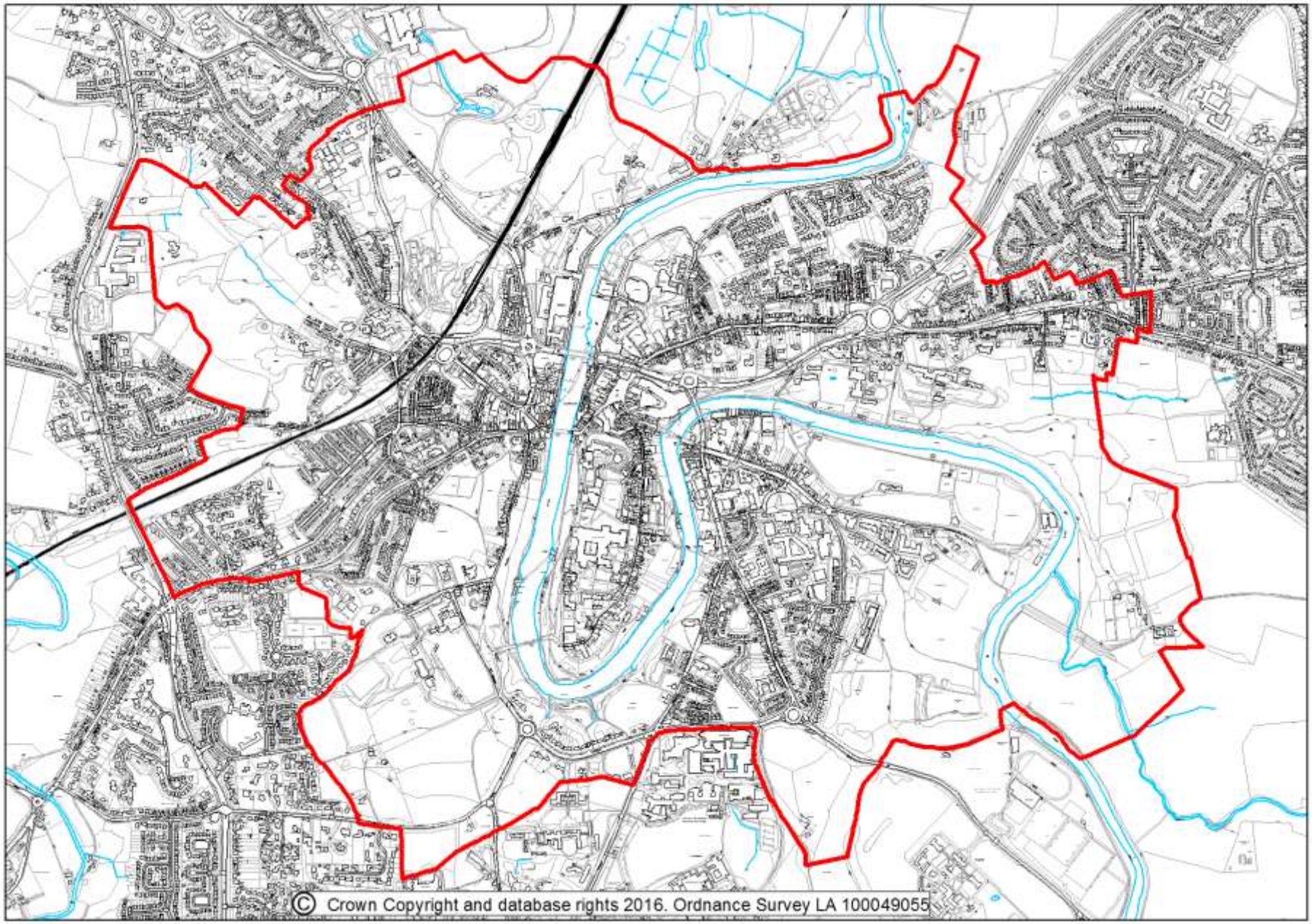
Subsequently on the 25th November 1980 the conservation area boundary was significantly enlarged to incorporate a much wider section of the city centre encompassing the pre-1900 expansion of the city and the majority of the natural 'bowl' (the upper slopes of which present a largely rural backdrop to views of Durham Cathedral), the important green wedges of open countryside and other significant green spaces which contribute to and enhance the setting of the historic buildings and the city as a whole.

The 30 year old boundary forms the principal area of study for this appraisal but adjoining areas have also been investigated to assess whether the boundary should be further extended.

The central area of the City of Durham is one of the most important historic city's in Britain. The time-depth, quality and architectural coherence of the historic buildings and the preserved Medieval street pattern, centred on the peninsula and expanding outwards with a dramatic topography and extensive greenery make Durham (City Centre) Conservation Area exceptional.



Image 1 Cathedral from Prebends Bridge



map 1 Durham (City Centre) Conservation Area Boundary

Durham World Heritage Site

Durham Castle and cathedral stand high on the lofty peninsula, and in 1986 these monuments, along with The College and Prebends Bridge, were designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Heritage Site. World Heritage Sites are cultural and/or natural sites considered being of outstanding universal value. They are considered to represent the most significant, unique or best examples of the world's cultural and/or natural heritage and are inscribed on the World Heritage List by the World Heritage Committee.

In considering the management and understanding of Durham's architectural heritage it became apparent that the original boundary of Durham World Heritage Site had been drawn too tightly as it did not fully encompass all the important relevant historical and landscape components of the site. The Durham site was therefore re-evaluated to logically include the buildings and spaces around the cathedral and castle. The extended site now includes many of the non-religious components of the Prince-Bishops complex, among these are Palace Green, formerly a market place, the former almshouses, a grammar school, a courthouse, and a library. The current Durham World Heritage Site boundaries were formerly approved by UNESCO's World Heritage Committee in August 2008.



Image 2 Durham peninsula and the main outer suburbs

The justification for inclusion in the World Heritage List comes from Durham Cathedral being the finest example of early Norman architecture in Europe. Although the cathedral is Romanesque in style, the use of architectural mechanisms such as rib vaults, structural pointed arches and lateral abutments were pioneering constructional techniques of their day.

In architectural terms Durham Castle visually illustrates the unique secular and ecclesiastic power base it became and the concept of the motte and bailey castle, the oldest castle form prevalent in the Norman period. It includes features of notable high historic and architectural value such as the Norman Chapel (the oldest building in the city), the Norman Gallery and the richly decorated Great Hall. The building also physically demonstrates the change in use and function of the site over time, from castle and protector to Bishops Palace then to University. While Palace Green is an integral component of the Medieval fortified castle and cathedral complex, created in the 12th century for the purpose of unifying the two buildings and used as former processional route.



Image 3 Durham Cathedral and Castle viewed from Milburngate Bridge

Key Elements of Significance

The following key elements define Durham City's 'special architectural or historic interest' which warrants its designation and conservation area status, the 'character or appearance of which it is desirable to preserve or enhance', these underlying themes have been identified and drawn from the five individual character area assessments:

Landscape and Topography

The wider setting of the conservation area is formed by Durham's 'outer bowl' comprising of the surrounding hills and ridgelines which provide important wider visual context to the whole city. To the south the character of the outer bowl is essentially rural with the city confined to the foreground and with distant settlements situated below the horizons. To the north the character differs to one of more developed but with large areas of open countryside.

This results in many vantage points from which the World Heritage Site monuments can be viewed but the degree of visibility varies considerably. Nevertheless the interplay of the natural and built environment, with the varied surroundings that this creates, is a significant attribute to the character of Durham City.



Image 4 Durham Cathedral in its wider setting of the Durham Bowl

The more immediate setting consists of the intimate landscape bowl, known as the Durham 'inner bowl'; this features moderately steep slopes, surrounding hilltops, and green fringes penetrating into the city which contribute significantly to the setting, character and appearance of the conservation area.

The inner setting is formed by the geological formation of the River Wear gorge. This is a distinctive natural feature of regional importance, recognised as such by its designation as a County Geological Site, and where the topography and geography created a naturally defensible position which resulted in its original selection, military function, and the subsequent development of the entire city.

The river and its banks are a distinctive historic environment in their own right, part derived from their historic development and change in function, forming a moat for the castle and cathedral complex, a working quarry, power source for the military and monastic communities then into gardens and terraces for the Prebendaries; and part derived from their visual contrast with the harder urban environment of the city; in particular the visual contrast of the dense woodland canopy with the solidity of Durham Castle and cathedral achieving a visually sophisticated landscape.



Image 5 The western part of the conservation area in its wider landscape setting

The area is also significant as a green space in the heart of the city which provides a very important local amenity as a unique place of tranquillity, a valuable recreational resource, and a

highly significant wildlife habitat and landscape asset of regional importance with a strong visual richness that the public can enjoy.

Green spaces, open spaces, trees and woodland

The areas of open countryside and green spaces which exist around the outskirts of the city and penetrate inwards are of high scenic value generating green backdrops, in places enveloping and enhancing the setting of the historic buildings, and are a key characteristic of the conservation areas sense of place. Within the city there is great diversity and volumes of green spaces including for example the formal leisure provision at Wharton Park, informal large elevated open spaces at Aykley Heads, the expanse of the floodplain at The Sands and The Racecourse, and dense areas of historic wooded such as Pelew Woods and Maiden Castle Wood.



Image 6 Examples of the larger areas of green spaces within the conservation area at the Racecourse and Wharton Park (opposite)

Open spaces exist alongside an abundance of street greenery such as grassed verges, embankments, corner plots, open sports pitches, trees, hedgerows, and private frontage gardens etc. which possess significant visual amenity value, enhance the appearance of the townscape, and in places create a semi-rural character with notable green corridors along the principle approaches into the city creating an impressive introduction. Other public areas such as Palace Green and the Market Place are also special historical open spaces of high significance within the conservation area.



Image 7 Examples of smaller areas of open space and street greenery

The skyline and roofscape

The combination of building form, height, architectural composition and local topography is most evident where historic streets cascade down the various hills, generating striking silhouettes of changing roof form. These include steeply pitched roofs, hipped roofs, castellated parapets,

domes, towers and spires etc. Ridge lines are commonly punctured by brick chimney stacks and pots, some roof slopes incorporate traditional dormer windows, half-dormers, and eaves broken by gabled bays adding further variety and interest.

The mixture of traditional natural materials such as Welsh slate and red pantiles is a further defining characteristic of the city's historic roof scape, the variants adding differing colours and textures.

The Victorian terraced developments are at the modest end of the built form spectrum but the well planned streets with a an interesting blend of colliding and interlocking grid patterns, uniformity of design and roofscape create a very strong positive character to the residential parts of the city. This is demonstrated in views from many vantage points in and around the city towards the core of the conservation area which are characterised by an undulating distinctive roofscape of considerable significance. Examples of this can be found at Claypath, Crossgate, Allergate, Old Elvet, Gilesgate and The Avenue.





Image 8 Right, The rich and varied roofscape of Old Elvet with the copper dome of Old Shire Hall and the spire of Elvet Methodist Church prominient

Views and Vistas

Durham is a city of views; at a distance these are generated by the topography where there are many outstanding open public views towards Durham Cathedral, castle and the surrounding townscape. At street level there are many significance views within the conservation area itself, where the narrow winding historic street pattern creates endlessly evolving, surprising and glimpsed views highlighting the city's historic, architectural and natural interest with many key local focal points.

In the dense townscape, the rivers and crossings provide welcome and sometimes unexpected open panoramas most notably the 'classic' view from Prebends Bridge and from Framwellgate Bridge where the full extent of Durham Castles West Range can be seen. Milburngate Bridge is also significant in demonstrating the form and evolution of the entire peninsula with Durham Castle and cathedral dominating, the Market Place visible at the lower northern end and the built form cascading down to the river level and including Silver Street dropping down to Framwellgate Bridge.

There are a high number of significant open and framed views of historic streetscapes, roofscapes, landmark buildings and structures and the interplay with the built form and landscape; a number of the views being world renowned. Examples of this can be found at The Sands, The Racecourse and from Wharton Park.

These views are of national and local importance some exhibiting the individual significance of heritage asset and others seen in combination with many designed views.



Image 9 The classic view of Durham Cathedral and the Fulling Mill

The Medieval town and street pattern

The city is a significant example of a Medieval town within a defended complex dominated by the church, castle and bridges designed for protective measures. It has a simple responsive layout within the landscape, with roads and streets radiating out from the Market Place, and this Medieval infrastructure forms the historic core of the conservation area. The post Medieval development of the city has maintained the Medieval core, which remains clearly distinguishable within the modern city.

The street plan combining Medieval elements, with Georgian and Victorian interventions expresses architectural diversity, visible and invisible archaeology. The Medieval streets mainly comprise of narrow, but deep rectilinear building plots, reflecting historic burgage plot patterns, with historic buildings pressed hard up against the back of the pavements. The formal terraces lying immediately outside of the Castle Walls on the peninsula such as Prebends Walk, Bishops Walk and Principles Walls with the associated platforms and various connections pathways are also a significant contributing factor to the historic plan form.



Image 10 Part of the medieval infrastructure of the city including the Market Place and the entrances to Saddler Street and Silver Street



Image 11 Old Elvet linking to the peninsula via Elvet Bridge

Continuous street frontages generate a sense of physical and visual enclosure and an intimate atmosphere which is a key characteristic of the sense of place. Other key components of the Medieval town plan are the historic bridges which are significant landmarks both in their contribution to the Medieval layout and the development spread of the city, and the surviving historic vennels linking key streets and the main urban area within the outer green spaces.

This street layout has a direct influence upon the character of the city, its surroundings, and determines how the city is viewed and appreciated.

Architectural Character

The conservation area has a rich variety of built form as a result of its evolution through time. Its historic and architectural diversity and interest however is not always appreciable as the time-depth of buildings is often hidden from view but the continuity and integrity of phased historic built fabric is very strong throughout the conservation area. The built form embodies buildings with early Medieval origins to the present day, varying in age, use and character, including monastic, ecclesiastical, educational, industrial and domestic, many iconic and providing pivotal focal points. This creates an interesting combination of styles of architecture, in addition to differing size, scale, function and orientation of the buildings.

For example buildings range from the stone built Durham embellished University buildings on Palace Green, to the modest traditional red brick Victorian terraced properties uniformed in design as seen in Hawthorn Terrace, to larger detached and semi-detached Victorian Villas seen along Crossgate Peth with colourful joinery details and the exceptionally fine townhouses and cottages from the Georgian period found in the Bailey, Claypath, Elvet and Hallgarth Street.

The above buildings are intermingled with other buildings of individual historic interest and architectural quality such as the many churches, industrial buildings and former agricultural buildings and other stand out buildings/structures with high influence such as the Viaduct etc. A high number of the buildings are listed, Grade I, II and II* and many more are considered to be non-designated heritage assets or of local interest.

The juxtaposition of the historic buildings with contemporary developments emphasizing the development of the modern city is also often a positive characteristic in places for example the Pace Building on Palace Green, contrasting effectively with the historic grain and adding to the organic time-deep architectural history of the conservation area.



Image 12 Examples of the conservation areas rich and varied architectural character including timber framed buildings, Georgian townhouses, Victorian villas and Victorian terraces

Materials and surviving historic/architectural features

The special interest of the historic buildings also derives from the traditional building materials used in the conservation area such as locally available buff sandstone and red brickwork for external wall construction and natural slate roof coverings.



Image 13 A selection of windows from the conservation area including 16-pane and 4-pane sliding sash, Victorian bays and a decorative dormer



Image 14 A selection of doors from the conservation area

The extensive survival of original architectural details including timber sliding sash windows, panelled timber doors with pilasters, over-lights and hoods, and cast iron rainwater goods, along with additional architectural features and decoration such as plinths, quoins, floor banding, stone window and door surrounds, bargeboards, finials, and parapets etc. add colours, textures and patterns into the streets.

These features contribute significantly to the distinctiveness and identity of individual buildings and groups of building while generating rich and diverse historic streetscapes. The physical integrity of the historic building stock and their architectural features is particularly high within the conservation area with many surviving features of interest preserved.

Archaeology

The conservation area encompasses the core of the Medieval settlement where the street pattern, property plots, buildings and archaeology each constitute different but complimentary elements attesting and representing its historical development. There is in addition tantalising hints of pre-Roman and Roman occupation of some form on the peninsula.

That the ground occupied by the castle and by the cathedral contains archaeology of international importance relating to the structural development two complexes is self-evident.

Excavation in recent years has demonstrated the presence of rich archaeological deposits across the peninsula as a whole.

The ground to the rear of the street frontage properties has been shown to contain significant assemblages of artefacts illustrating the quality and range of everyday objects used by the inhabitants and how these changed over time. Similarly, the presence of animal bone and other paleo-environmental materials can illustrate the diet of the residents.

The ground adjacent to the line of the Castle Walls is of archaeological importance not only with respect to their structural and historical development but also to landscaping of the slopes of the peninsula both within individual property plots and more generally. There is slight evidence for some form of fortification of the peninsula prior to the construction of the Castle Walls.

The bed of the River Wear itself is also known to be of archaeological significance. Not only does it contain the foundations, and collapsed fabric, of previous bridges and other riverside structures but recent investigations have disclosed the presence of important collections of artefacts (e.g. the second largest assemblage of Medieval cloth seals in England).

Boundary Treatments

Within the conservation area there are many surviving historic sandstone walls, brick built garden walls and other significant means of enclosure such as decorative wrought iron railings and hedgerows etc. which reinforce the linear nature in many

streets, interlinking and enhance the setting of the historic buildings, and adding to the overall distinctive character of the area.



Image 15 Examples of the variety in boundary treatments including stone walls, brick walls, hedgerows and railings

Some have a strong associative value with the Durham Castle defensive complex, and have higher historic, evidential and aesthetic values, forming part of the setting and context of the World Heritage Site, while others are of value in creating narrow vennels, small informal yards and courtyard areas and forming boundaries of historic garden spaces. Rear walls are also important in defining historic burgage plots, and within the Victorian terraces they create a very distinctive close-knit rear environment of distinctive character.

Floorscape

A number of the historic streets and spaces include surviving historic floorscapes examples such as river cobbles, York stone and granite setts etc. These areas greatly enhance the setting of the buildings that surround them and add a great deal of texture, detail and visual interest into the streetscene. Historic surface are important characteristics of the city which add to the overall quality of the townscape.



Image 16 Examples of traditional floorscapes

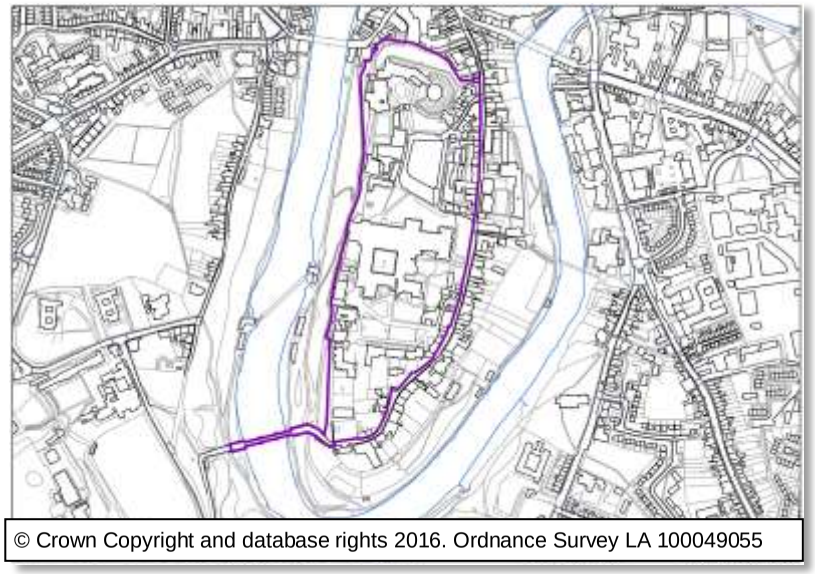
The World Heritage Site

The World Heritage Sites significance lies in the fact that it represents the foundation stone of the city and the relationship between Durham Cathedral and the wider city is an important one because it was the cathedral and associated pilgrimage that stimulated the development of the Saxon and Medieval communities.

Architecturally, Durham Cathedral and castle are among the greatest monuments of the Norman Conquest of Britain. Durham Cathedral, built between 1093 and 1133, is one of the finest examples of Norman architecture in Europe. The site displays exceptional and innovative architecture demonstrating a high point in the history of Medieval architecture in England.

The sites significance is also due to its continuity of use and ownership over the past 1000 years as a place of religious worship, learning and residence which remains to this day.

The siting of Durham Castle and cathedral in relation to the surrounding city has been sustained as has its setting above the wooded River Wear valley both of which allow an understanding and appreciation of its Medieval form which is far reaching.



map 2 World Heritage Site boundary



Image 17 Components of the World Heritage Site, Durham Cathedral, Durham Castle Gatehouse, Owengate and Palace Green Library

Castle Walls

The Castle Walls have prominent, historic, evidential and architectural significance in their own right as they are a major component of the context of the Durham Cathedral and castle World Heritage Site and also include associated historic promenades, terraces and walkways etc.

The oldest walls were constructed along with the castle with clear military objectives in mind and were the city's second line of defence after the river itself. They were constructed in different phases between 1099 and 1128 and included flanking towers, buttresses, and guard gates at key points. Although today they are no longer a complete fortification as originally intended, demonstrable Medieval fabric exists in a number of places and elsewhere there is archaeological and/or historical evidence the above features, and there are significant sections remaining sufficiently so for the original course to be identified and followed.

The latest element in the walled complex relates to the surviving fabric of the 18th and 19th century gardens the remains of which illustrate the collective wealth of the occupants of the Baileys. The Castle Walls become redundant as defences, as they fell into disrepair they were reused as garden retaining walls and landscape features.

The walls are major elements of the peninsula as individual historic features, and in having significant cumulative value. Their dramatic form imposes itself on the landscape and they are an important symbol of the complex history of the area whilst also providing excellent evidential value of the phases of development and changing aspirations and priorities of the different owners.

Religious Significance

Durham Cathedral has religious and historic significance that equals its architectural value as it is home to the relics and material culture of three saints; St Cuthbert, (the reason it exists) who was instrumental in spreading Christianity in the north of England; the Venerable Bede, who lived in the 7th century, and is considered to be 'the father of English history' and St Oswald, the saintly King who spread Christianity in Northumberland. Elsewhere within the city there are many surviving pilgrimage routes, other notable religiously significant sites, and a high number of churches included within the Medieval boroughs.



Image 18 Walls beneath the cathedral

1.2 Tool Kit and Project Background

The Durham Character Assessment Toolkit (CAT) is based on the Oxford Toolkit developed by Oxford City Council working in partnership with English Heritage (now Historic England).

In May 2012 officers from Oxford City Council and representatives from English Heritage attended a public meeting with professional staff from Durham County Council and approximately 40 representatives from local groups and residents to explain the Toolkit methodology and structure and to explore how it could be best used within the County, and in particular Durham (City Centre) Conservation Area.

As a result of this meeting, the Toolkit has been used successfully (August 2012-July 2013) by officers from the County Council working closely with local residents to carry out a survey of the whole conservation area.

The toolkit is essentially a character assessment survey designed to assess the character of spaces, buildings and places, and to identify the features that contribute to the distinctiveness, interest and amenity of the area. It is a detailed survey in the form of a structured questionnaire with six themes;

1 Initial reaction
2 Spaces
3 Buildings
4 Views
5 Landscape
6 Ambience

The toolkit included identifying positive features as well as issues that detract from the character of areas, spaces and buildings.

The toolkit was carried out on a street by street basis. The survey work involved carrying out a site visit of the streets, researching the area by looking through archive material and historic mapping and filling the questionnaire/toolkit form.

This was followed by a meeting with residents to discuss the comments and scores; assigning a number or score provided a mechanism for analysing and interpreting the results over a wider area. The contribution a feature makes to the character of an area is scored positive, negative or neutral, the scoring is summarised below:

+1 to +5 positive features that add to the character or special nature of an area
+1 slightly adds to the character
+5 significantly adds to the character
0 **neutral features**. They neither detract from nor add to the character
-5 to -1 negative features that detract from the area. This ranges from
-5 significantly detracts to
-1 slightly detracts

Due to the sheer size of Durham (City Centre) Conservation Area it was decided to break the city centre down into five key areas based on character and the ancient borough boundaries, these are;

1 Peninsula
2 Framwellgate
3 Crossgate
4 Elvet
5 Gilesgate

Five separate groups were formed made up of residents and representatives from local interest groups in the particular areas. The survey information for the five different areas has helped to provide an overall picture of the different character areas and what is uniquely special about them.

The survey of each area was carried out street by street in considerable detail; as such the five main character areas have been subdivided. The Peninsula Character Area has for example 11 sub-character areas each one resulting in approximately 250 decisions/responses being made by residents/officers in the scoring and comment sheets.

The data has then been entered on spreadsheets and annotated coloured maps.

The Toolkit scoring, spreadsheets, maps and comments have made it possible to draw some conclusions from the whole Toolkit process and provided greater knowledge and clearer understanding of the character and very essence of the whole conservation area. This information is important up to date evidence which has been used to form the basis of the appraisal document.

The process has also identified how these places relate to each other in the wider context and setting of Durham (City Centre) Conservation Area and relationship between the important elements. In addition consideration is given in this document to reducing some of the negative impacts identified with suggestions for possible change and how positive features can be best positioned and placed in the future.



Image 19 Dun Cow Lane in the immediate environs of the cathedral

2 Planning Context

2.1 Public Consultation

Public consultation is an integral part of the appraisal process. The draft conservation area character appraisal was subject to a public consultation exercise with six informal drop-in sessions undertaken across the city between the 29th September 2015 to the 15th October 2015 which were all well attended. Many written responses were received from local residents and other interested parties. After collation of the response the document was amended to incorporate comments and suggested improvement where considered necessary to form this final version of the document.

2.2 Planning Legislation and Policy Context

A conservation area is defined in the 1967 Civic Amenities Act as 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. It is not the purpose of a Conservation area to prevent development, but to manage change in a positive and proactive way that benefits current and future generations.

Conservation area status means Planning Permission is required for the total or substantial demolition of any building over 115m^3 in size, the demolition of a boundary wall over 1m in height next to the highway or 2m elsewhere. There is a general presumption in favour of preservation of buildings which make a positive contribution to the character or appearance of the conservation area. Additional controls are also placed over trees within the area, meaning that an owner must submit a formal notification of works to the Council six weeks before starting work. Permitted development rights (works that can be done without Planning Permission) are also slightly different within designated conservation areas.

The primary legislation governing Listed Buildings and Conservation Areas is the Planning (Listed Buildings and Conservation Areas) Act 1990. This legislation includes certain statutory duties which the Council as Local Planning Authority must uphold. s69(1) of the Act requires Local Planning Authorities to designate any areas which they consider to be of special architectural or historic interest as conservation areas, and under s69(2) to review such designations from time to time.

The Council has a further duty under s71(1) to formulate and prepare proposals for the preservation and enhancement of its conservation areas from time to time.

When assessing applications for development, the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation areas under s72(1) of the Act. This does not mean that development will necessarily be opposed, only that this should not be detrimental to the special interest of the wider conservation area.

Specific guidance relating to development within conservation areas and in relation to development affecting World Heritage Sites can be found within the NPPF, Section 12 Conservation and Enhancement of the Historic Environment and its accompanying practice guide which are published by the Department for Communities and Local Government, specifically paragraphs 137 and 138 which state:

Para.137 - Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Para.138 - Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

2.3 Conservation Area Character Appraisals

The Conservation Area Character Appraisal represents the first phase of a dynamic process aimed at the conservation and enhancement of the conservation area. It is an assessment of those features and qualities that make an individual conservation area special and add to the distinctive character and sense of place. Every area is different, derived from its topography, historic development, land uses and features such as street plans, hedges, trees, individual buildings and groups of buildings, architectural details and materials public spaces, open spaces and landscaping, and the relationships between all of these.

In a large conservation area such as Durham City which is a complex multi-period area the character varies considerable within its boundary, for example the medieval town core, with Georgian phases of grander houses, the arrival of the railway and subsequent Victorian residential expansions along with modern housing and leisure facilities. This appraisal will help to raise awareness and appreciation of Durham City's special character, while also providing a consistent and evidential basis on which to determine planning applications affecting the city.

The appraisal also seeks to identify any factors which detract from the conservation area's special qualities, and to present outline proposals for improvements which could lead to the preservation or enhancement of those qualities.

This appraisal discusses a wide range of structures and features within Durham City which define its 'special interest' and add to its significance, but no appraisal can ever be entirely comprehensive and the omission of any particular building, feature or space should not be taken to imply that it is of no interest or adds value to the character of the area.

3 Overall Character Assessment

3.1 Brief Introduction to the Conservation Area

The City of Durham is one of the principal historic towns of Britain with its establishment intrinsically linked to the arrival of monks from Lindisfarne in Northumberland. However, there is evidence of human settlement on the peninsula and in the vicinity from around 2000BC onwards. This is not surprising given the defensible feature of the incised meander of the River Wear.

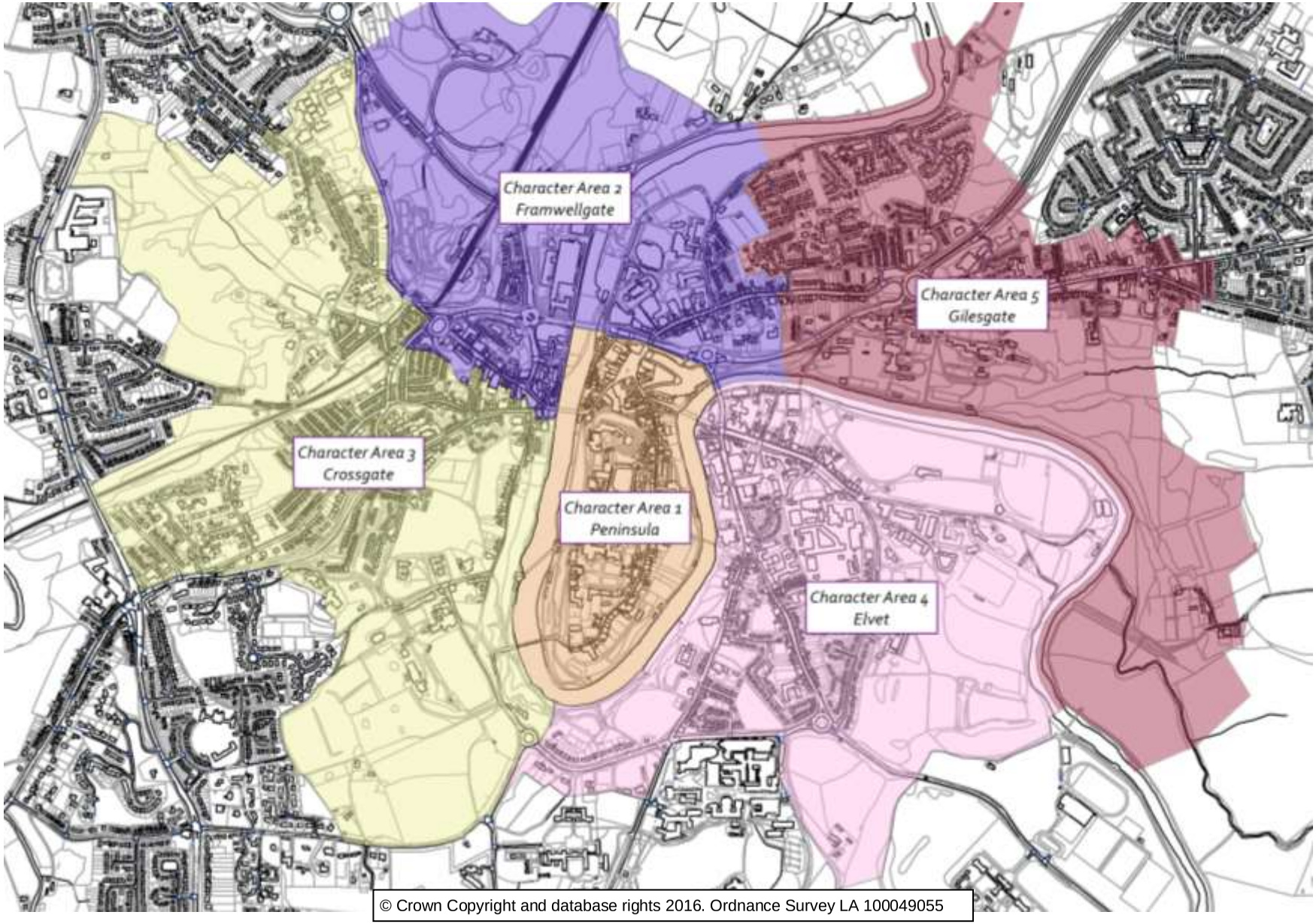
The relative value of the whole conservation area is substantial, containing as it does the World Heritage Site buildings of the castle, cathedral and Prebends Bridge. This raises Durham to international significance. Its value is further enhanced by the Medieval layout of the city centre and its many characterful and historic buildings contained in the dominating river loop and linked into the surrounding countryside.

The city's development was determined by religion and defence. The character and development of the city is formed from the topography of the city and the cathedral and castle on the peninsula. The developing town supported this community.

3.2 How the Conservation Area has been divided

The City Centre is a large and very complex environment with many different functions evident including commercial, residential, cultural and recreational and multiple periods of historic development, as such it would not be possible to undertake a coherent appraisal that covered the whole of the city in one attempt. The outcome of a single appraisal covering the whole conservation area would likely to be a very long and unmanageable document that would not be user friendly and therefore impractical. Therefore, the Conservation Area is divided into what are termed 'Character Areas' smaller more manageable areas to help understand and manage the whole, these are essentially derived from the outcome of the Toolkit assessment and city's Medieval borough boundaries.

One of the key features in understanding the character of Durham City is its existing subdivision into separate and distinctive parts which have developed alongside each other over time. In the late Medieval period the city centre was divided up into separate boroughs or baronies owned and administrated by the Bishop of Durham. The city was at that time divided into 6 areas: The Peninsula, The Bishops Borough, The Old Borough, Elvet Borough Barony and St Giles Borough.



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map 3 Character Area Division

The historic borough divisions above were used to form the basis of the five character areas. The selected character areas form groups of a similar nature which broadly correlate with the land use and townscape character plans illustrated in the overview but there are inevitable compromises, but the divisions have proved of practical benefit for organising the study and analysis of the city. The five main character areas are described below:

1 The Peninsula (Durham Castle and fortifications)

Along with the castle fortifications, the whole of the peninsula was also protected by an enclosing wall. These walls followed the lines of the banks of the peninsula on all sides, except on the north where there was an outer moat within which was a great wall. It is to Bishop Ranulf Flambard (1099–1128) that the enclosure of the city is attributed.

The walls also feature three gates, the King's Gate at the bottom of Bow Lane, the Water Gate or Porte-du-Bayle, at the south end of the Bailey, and the North Gate, which stood at the top of Saddler Street.



Image 20 Saddler Street, North Bailey, Market Place and Palace Green

This area encompasses the fortifications of the city at their fullest extent and contained Durham Castle, cathedral and University Buildings around Palace Green, The College, North and South Bailey, Saddler Street, Silver Street, Market Place and the river crossing points of Framwellgate Bridge and Elvet Bridge and the peninsula riverbanks.

2 Framwelgate (Bishops Borough)

Early in the 12th century an area called the Bishops Borough was built to the north of the peninsula by Bishop Flambard. The Bishops Borough contained the suburb of Framwellgate across the River Wear at its junction with Milburngate and included part of St Nicholas Parish. The exact extent of the lands within the jurisdiction is uncertain, but it did include large pasture areas within Framwellgate.



Image 21 North Road, Tenter Terrace, Durham Viaduct and Diamond Terrace

3 Crossgate/Allergate (The Old Borough)

The Old Borough included the part of the city lying on the west bank of the River Wear to the south of Framwellgate. It was divided from the latter by Milburn, a small stream rising from Flass Bogg and now covered by the modern North Road. From Elvet it was divided by the small stream running parallel to Potters Bank. These physical features still exist today and the extent of the Old Borough can be accurately pinpointed by their survival.



Image 22 Crossgate, South Street, St Margaret's and The Avenue

The Old Borough comprised of South Street, Crossgate and Allergate, a considerable area of arable ground known as "Bellasys" whilst a large pasture area extended over Crossgate Moor and over the adjoining Elvet Moor.

4 Elvet (Elvet Borough and the Barony of Elvet)

The former Borough and Barony of Elvet lies in the loop of the River Wear south-east of the Market Place. It comprised of Old Elvet and New Elvet and the two continuations of the latter, namely Church Street, leading to the south road to Darlington, and Hallgarth Street. In addition to the urban area, Elvet formerly included a considerable area of arable land and a small moor. Until 1835 Elvet was divided into the Borough and Barony (the southern part).



Image 23 Old Elvet, New Elvet, the Tithe Barn and Elvet Bridge

5 Gilesgate (St Giles Borough)

St Giles borough to the northeast of the peninsula developed around St Giles hospital which was founded in 1112. Houses gradually appeared around this hamlet and connected to the city. The area extended south to Old Durham; anciently the area may have had strong links with Maiden Castle as evidence suggests that Old Durham was a Roman site. The western boundary of the area was marked by a leaden cross standing in the middle of the street until at least 1754; from this point the boundary followed Tinkler's Lane southward to the Wear.



Image 24 Gilesgate Village Green, Lower Gilesgate, Kepier and Old Durham Gardens

3.3 General Character Overview

The 5main character areas have been divided into further sub-character areas, to assist in defining the detailed features that contribute to the wider character area's special interest and significance. These sub-areas share some common themes and consistent elements but the assessment process has identified them as having a degree of individual character in themselves.

There are some instances for example, where buildings of a similar style, scale and period are located in different sub-areas but the overriding character alters as a result of the streets and spaces they define. There are also sub areas where some over-lapping occurs as some streets may contribute to the historical and physical context of more than one sub area.

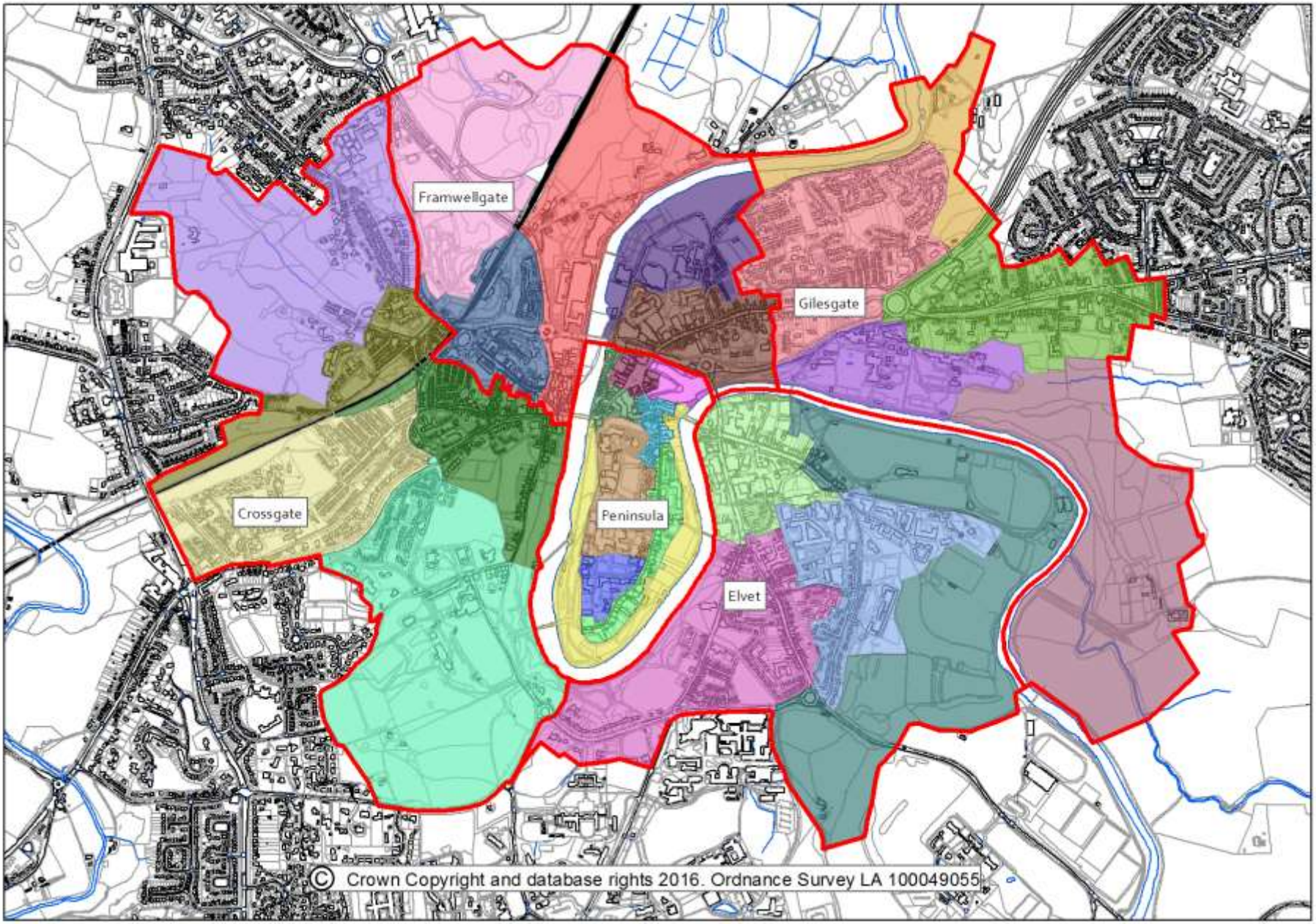
For example within the Elvet Character Area further sub-divisions can be formed from a combination of Old Elvet, New Elvet, Hallgarth Street and Church Street. These are the streets that fan out from Elvet Bridge clearly discernible from Speeds map of Durham from 1610 and therefore form Elvet's historic core. The above mentioned area is distinctive from the residential areas such as Whinney Hill, Mavin Street and Elvet Crescent, which are 20th century infill developments.

A further sub-character area is created within the eastern part of Elvet along the riverbanks; this area is more open and rural in nature with the racecourse sweeping round the bend in the river southwards to meet the playing fields and allotment gardens at the end of Green Lane and continuing to the densely wooded Maiden Castle Wood.

This process clearly identifies the two parts of the city, the older historic core lying inside and outside of the Peninsula, and the more recent or less historic development areas. They intertwine but essentially offer two strongly contrasting images of Durham. However, they relate intimately at their boundaries with each other.

These sub-areas have been identified either through historical and / or topographical analysis. Some divisions are more logical than others, often they are the result of weighing up different themes and identifying the stronger.

It should be noted that the division between old and new is not one of architectural quality but is based on age and scale of development.



map 4 Sub Character Area Division

The 5 main character areas and their break down into sub-areas are given below (the numbers in bracket relate to the Toolkit Character Assessments):

Character Area 1 - Peninsula

1 Palace Green Area

Palace Green (Area 4); Dunn Cow Lane (Area 5); Owengate (part of) (Area 2)

2 The College

The College (Area 5)

3 The Baileys

Bow Lane (part of) (Area 1)

4 Saddler Street

Saddler Street / Owengate (Area 2)

5 Market Place

Market Place (Area 9)

6 High Street, Bishopgate

High Street, Bishopgate (Area 11)

7 Silver Street / Fowlers

Silver Street / Fowlers Yard / Vennels (Area 10)

8. Riverbanks

Riverbank Bridges (Area 7); South Bailey Riverbanks (part of) (Area 8); Bow Lane Riverbanks (part of) (Area 1)

Character Area 2 - Framwellgate

1 Aykley Heads Wharton Park/Green Spaces

Aykley Heads (Area 1)

Wharton Park

Wharton Park / St Cuthbert's (Area 2)

2 Station Area/North Road

Aykley Heads (part of) (Area 1); Highgate (part of) (Area 3)

Highgate

Highgate (part of) (Area 3)

North Road Area

North Road (Area 7); St Godrics North Road (Area 6)

3 Milburngate Area

Sidegate / Crook Hall

Sidegate / Crook Hall River (Area 5)

Milburngate House / Radisson

Milburngate House / Radisson / River (Area 4)

Milburngate Shopping Centre

The Gates / Milburngate Shopping Entrance (Area 8)

4 The Sands

The Sands / Ice Rink Area

The Sands / Ice Rink (Area 10); The Sands / Cemetery (Area 12)

Providence Row / Sports Centre / Sixth Form Area

Sports Centre (Area 11); Wanless Terrace (part of) (Area 13)

5 Claypath Area

Millennium Square

Millennium Square & buildings (Area 9)

Claypath

Millennium Place (part of) (Area 9); Claypath Wanless Terrace (part of) (Area 13); Claypath Leazes Place (Area 14)

Hillcrest

Hillcrest / Bakehouse Lane (Area 15)

Character Area 3 - Crossgate

1 Western Hill/Flass Vale

Western Hill

Western Hill, Obelisk Lane (Area 1); Back of Western Hill (part of) (Area 2)

Flass Vale

Back Western Hill, Flass Vale (Area 2); Fred Henderson Site (part of) (Area 3)

2 Viaduct Area

Mowbray Street Area

Ainsley Street, Fred Henderson Site (part of) (Area 3); Mowbray Street, Waddington (Area 4)

Redhills / Miners Hall

Redhills Miners Hall (part of) (Area 5)

Viaduct Area

Viaduct, Sutton Street (part of) (Area 5); Atherton Street, Sutton Street (part of) (Area 6)

3 Crossgate Area

Crossgate Area

Atherton Street, Sutton Street (part of) (Area 6); Crossgate St Antioch (Area 7); Crossgate, Grape Lane St Margaret's (Area 8)

South Street Riverbanks

St Margaret Allotment (part of) (Area 14); South Street / Riverbanks (Area 16)

4 Hawthorn Terrace Area

Hawthorn Terrace

Hawthorn Terrace / John Street (Area 9); Byland Lodge, May Street (Area 10)

Percy Street Area

Percy Street (Area 12); St. Johns Road (Area 12a)

The Avenue Area

The Avenue (Area 11); Crossgate Peth (part of) (Area 13)

5 Pimlico/St Margaret Allotment/green spaces

Briar Dene Area

Crossgate Peth / Briar Dene (Area 13); Blind Lane / Clay Lane (part of) (Area 7a)

St Margaret's Allotments

St Margaret's Allotment (Area 14)

Pimlico Area

Pimlico (Area 16); Durham School (Area 7b); Blind / Clay Lane (part of) (Area 7c)

Riverbanks

Riverbanks (Area 14); South Street (part of) (Area 16)

Observatory Hill

Observatory Hill (Area 7c)

Character Area 4 - Elvet

1 New Elvet/Old Elvet

New Elvet

New Elvet/Kingsgate Bridge/Dunelm House (Area 1); Old Elvet (Area 4); Old Elvet Waterside (Area 2); Crown Court (Part of) (Area 7)

2 River/Racecourse /Rowing Club

Racecourse Area

Racecourse Area Area/Play Area (Area3); Old Elvet Waterside (part of) (Area 2)

Rowing Club Area

Rowing Club, Cricket Club (Area 8); Allotments/River (Area 8A)

Maiden Castle /Mount Joy Area

Maiden Castle (Area 6); Mount Joy Farm Area (Area 5)

3 Prison/Green Lane/Whinney Hill

Crown Court/ Prison (part of) (Area 7 and 11); Green Lane Area (Area 12)

Whinney Hill

Whinney Hill/East (Area 13); Whinney Hill /West (Area 14)

4 Hallgarth Street/Church St

Hallgarth St

Hallgarth St East (Area 10b); Hallgarth St West (area 10 a); Palmers Green/Quarryheads Lane (Area 15)

Church Street

Church Street (Area 9); Stockton Road (Area 17)

Character Area 5 - Gilesgate

1 Old Durham Gardens/Riverbanks/Pelaw Woods

Old Durham Gardens

Old Durham Gardens/Old Gardens (Area 1); Riverbanks, Meadows (Area 2); Pelaw Woods (Area 3)

2 Gilesgate

Vane Tempest/Wynyard Grove

Vane Tempest (Area 4); Wynyard Grove (Area 5/7)

Gilesgate Green

Vane Tempest, Gilesgate Green (part of) (Area 4); Wynyard Grove, Gilesgate Green (part of) (Area 5/7); Gilesgate Green, South (Area 6); Gilesgate Green, North (Area 8)

Station Area/Hotel, Station Lane

Gilesgate Green (Area 8)

3 Hild and Bede Colleges/River

Hild and Bede

Hilde and Bede (Area 11); South St. Hild's Lanes and Leazes (Area 12)

4 Claypath Area

North of Leazes, Claypath and Gilesgate

North of Leazes Road, Gilesgate (Area 14)

Orchard Drive/Wearside Drive

Orchard Drive (Area 13); Wearside Drive (Area 16); Douglas Villas (part of) (Area 15)

Leazes Lane/Douglas View

Leazes Lane/Douglas View (Area 15)

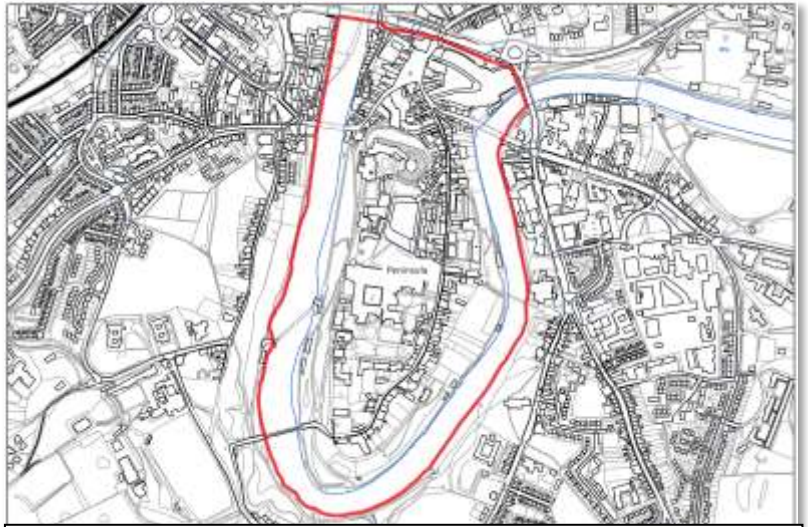
5 Kepier Hospital/River/Green Spaces

Kepier Hospital (Area 9); Orchard Drive (part of) (Area 13); Wearside Drive (part of) Area 16); Mary Magdalene (Area 10)

3.4 Summary of significance

The sum of the 5 individual character areas defines the special interest and significance of the Conservation Area as a whole (as identified in Section 1 of this document). The key elements of the special interest and significance of the individual character areas identified by the appraisal are given below.

Character Area 1 – The Peninsula Key Elements

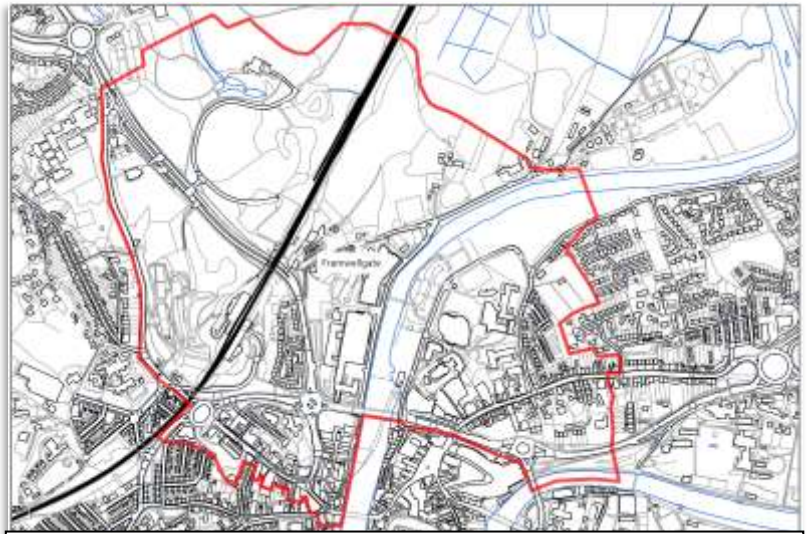


map 5 Character Area 1 boundary

- The topography and geological formation of the River Wear gorge is a distinctive natural feature of regional importance and forms the dramatic setting of Durham Cathedral and castle World Heritage Site and the wider townscape of the city;
- The inner peninsula riverbanks and their evolution through time from being an integral part of the Medieval defensive complex to the 'romantic' landscape of the 18th century which is still evident today;
- The historical development of the peninsula as a defensive location, place of worship, Bishops Palace, centre of education and the continued religious and educational function which remains today;
- The cultural, religious and historic significance of Durham Cathedral that transcends its architectural value as a resting place for relics of St Cuthbert, the Venerable Bede and St Oswald;
- The surviving Medieval town plan which has remained largely unaltered;
- A rich archaeological resource containing important information relating to human occupation of the peninsula over a period of at least one thousand years.
- The experience of physical and visual enclosure within the Medieval streets;
- The scale and form of the buildings and other structures pressed tightly together directly onto the public footways;

- Durham World Heritage Site's exceptional architecture demonstrating innovation, a high point in the history of Medieval architecture in England;
- The great variety in scale, character and age of the historic buildings providing rich architectural diversity and changing historic streetscapes;
- The surviving Castle Walls and the associated terraced promenades which have high evidential, historic and aesthetic value and are of national significance;
- The high percentage of Grade I, II and II* Listed Buildings, a number of Scheduled Monuments and other non-designated heritage assets;
- The prevailing use of traditional building materials creating a uniformity of patina, and the extensive survival of original architectural detailing and decorative features;
- The high quality of the public realm including surviving historic floorscapes which enhance the setting of the historic buildings and add value to the overall high quality of the townscape;
- The varied use of boundary treatments ranging from sandstone walls, brick garden walls and wrought-iron railings, interlinking historic buildings and informing historic spaces;
- The visual drama and far-reaching impact of Durham Cathedral and castle dominating the skyline of the city and the varied views from the inner and outer Durham Bowls;
- The high number of significant open and framed views of historic streetscapes, roofscapes, landmark buildings and structures and the interplay with the landscape; a number of the views being world renowned.

Character Area 2 – Framwellgate Key Elements

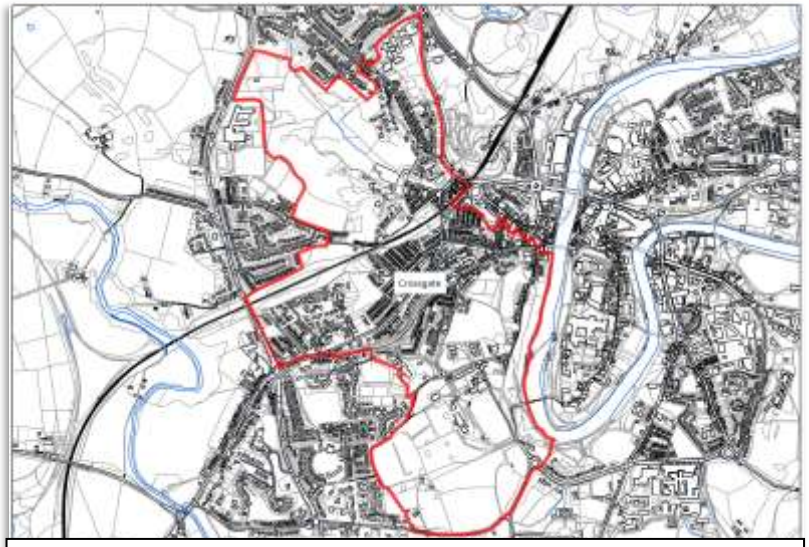


map 6 Character Area 2 boundary

- The architectural diversity of the historic building stock from Medieval Halls and barns to modest Victorian terraced houses;
- The juxtaposition of traditional buildings with contemporary developments emphasises the development of the modern city;
- Variation in scale and the strong visual contrasts between large keynote buildings and humble properties;
- A number of Grade I, II and Grade II* Listed Buildings in the Crook Hall, Claypath and North Road areas ranging from the Medieval, Georgian and Victorian periods;
- Important clusters of non-designated heritage assets throughout the area that add character to the townscape;
- The surviving architectural features and details and the consistent use of the traditional materials within the historic buildings;
- The surviving Medieval streets that add to the existing built form and character of the city in Sidegate and Claypath;
- Archaeological deposits associated with Medieval and Post-Medieval occupation along North Street and Claypath.
- The development of the main station at Windy Hill and the impact that the railway has had on this part of the city;
- The still predominantly non-residential character of the area, with a close grouping of commercial, leisure, cultural and recreations uses at its centre, which originated from the medieval land uses of the Bishop's Borough;
- The topography of the area from the low lying flood plain of the River Wear to the sloping woodland and fields rising to Aykley Heads to the drama of the steep slopes at Wharton Park, part of the lower reaches of Durham Bowl and its visual relationship to setting of the Medieval city;
- The importance of the River Wear in terms of its visual and recreational value, but also the previous industrial developments on the riverbanks at Walkergate and Framwellgate;
- The varied use of boundary treatments in the semi-rural/less developed areas, mature trees, hedgerows and stone walls that provide sylvan entrances to the city centre and a scenic backdrop to the buildings;
- The importance of recreational space; the more formal leisure provision at Wharton Park to the more informal large elevated open spaces at Aykley Heads and the expanse of the floodplain at The Sands riverbanks;

- The dramatic and wide variety of views across the city and towards the Durham Cathedral and Castle World Heritage Site;
- The tangible links between development here, the river, major road connections and the rest of the city in particular the Market Place and peninsula.

Character Area 3 – Crossgate Key Elements



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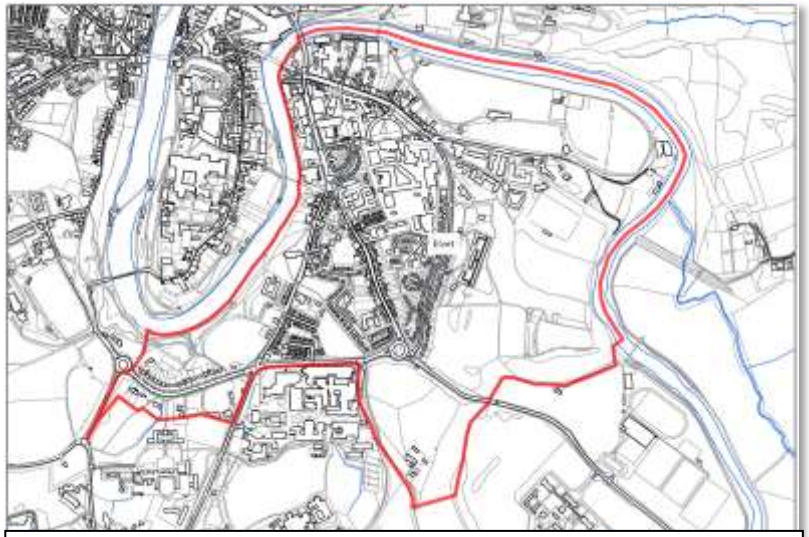
map 7 Character Area 3 boundary

- South Street and Crossgate representing the original Medieval road plan of the area;
- The great variety in the scale, character and age of the historic properties, their architectural character, with surviving architectural details, traditional/vernacular materials;
- The simple, uniformed Victorian terraces and the intimate grid street patterns along with their distinctive enclosed back lane environments which are significant in the wider townscape;
- The Grade II * Listed Viaduct spanning across this part of the city and the associated Victorian development below;
- The Grade I, II* and II Listed Buildings in Crossgate, South Street and Pimlico area, from the Medieval and Georgian periods;
- The sense of grandeur created by the collection of listed and non-listed academic buildings at Durham School set in fine expansive grounds;
- The social history and historic development of the area;
- Archaeological deposits associated with Medieval and Post-Medieval occupation along Crossgate and South Street areas.
- The varied use of boundary treatments ranging from historic stone walls, cast iron railings, hedges, to tight brick rear boundary walls in the Victorian streets;
- The surviving remnants of historic floorscapes;

- The river gorge providing a natural boundary to the Crossgate area and superb setting for the elevated terrace townhouses in South Street;
- The topography of the area climbing steeply away from the river gorge and Flass Burn, yet sloping more gently in other areas providing a very interesting and varied townscape;
- The long linear finger of open space extending out from the riverbanks to St Margaret allotments and the churchyard into the wooded slopes of Durham School and Flass Vale;
- The open elevated areas such as Flass Vale and Observatory Hill which are part of the Durham Bowl and contribute significantly to the area and the wider city;
- Views and vistas with much of the area looking back towards the peninsula and Durham World Heritage Site, with stunning panoramic views and also glimpse views of the city and vice versa.

Character Area 4 – Elvet Key Elements



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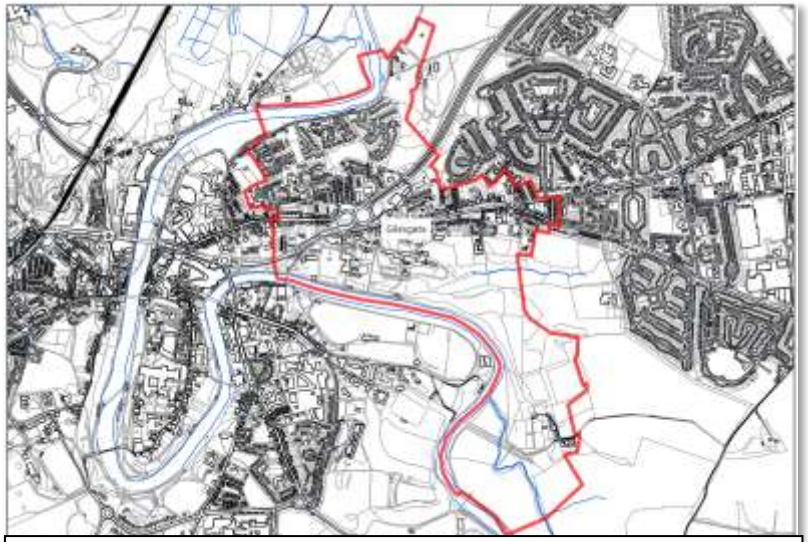
map 8 Character Area 4 boundary

- The local topography with the River Wear and its steep gorge forming a natural boundary of high landscape and its physical and visual relationship with the urban form creating changing views;
- The historic significance of Elvet as a result of the written and physical evidence that the area was occupied and settled on prior to the arrival of the community of St Cuthbert on the peninsula in 995AD;
- The surviving Medieval street pattern which has remained largely unaltered and which is clearly distinguishable against the modern day town plan;

- Archaeological deposits associated with Medieval (potentially early Medieval) and post-Medieval occupation in this area especially though not exclusively in plots behind properties along frontages of principally streets.
- The physical and visual enclosure experienced within the Medieval streets and the intimate atmosphere that this creates;
- The form of the historic buildings pressed tightly together directly onto the back of the pavements with surviving evidence of Medieval tenement plots;
- The great variety in age, form, function, scale and character of the historic buildings which creates varied and rich historic street scenes and changing roofscapes;
- The exceptional value of the Medieval Priory farm group which is a rare survival in the centre of the city of great historical significance;
- The high number of Grade I, II and Grade II* Listed Buildings and other buildings considered to be non-designated heritage assets;
- The prevailing use of traditional building materials and the extensive survival of original architectural detailing and decorative features;
- The high visual and recreational value of the green open space of the racecourse area and the more incidental green spaces along Green Lane;
- The abundance of street greenery including grassed verges, embankments, corner plots, trees and hedgerows, and private frontage gardens etc. creating a semi-rural character and green corridors along the principle approaches;
- The landscape and wildlife value of the larger public open spaces;
- The high number of significant local and channelled views of historic streetscapes, roofscapes, landmark buildings and wider panoramic views which can be experienced towards Durham Cathedral and Durham Castle.

Character Area 5 – Gilesgate Key Elements



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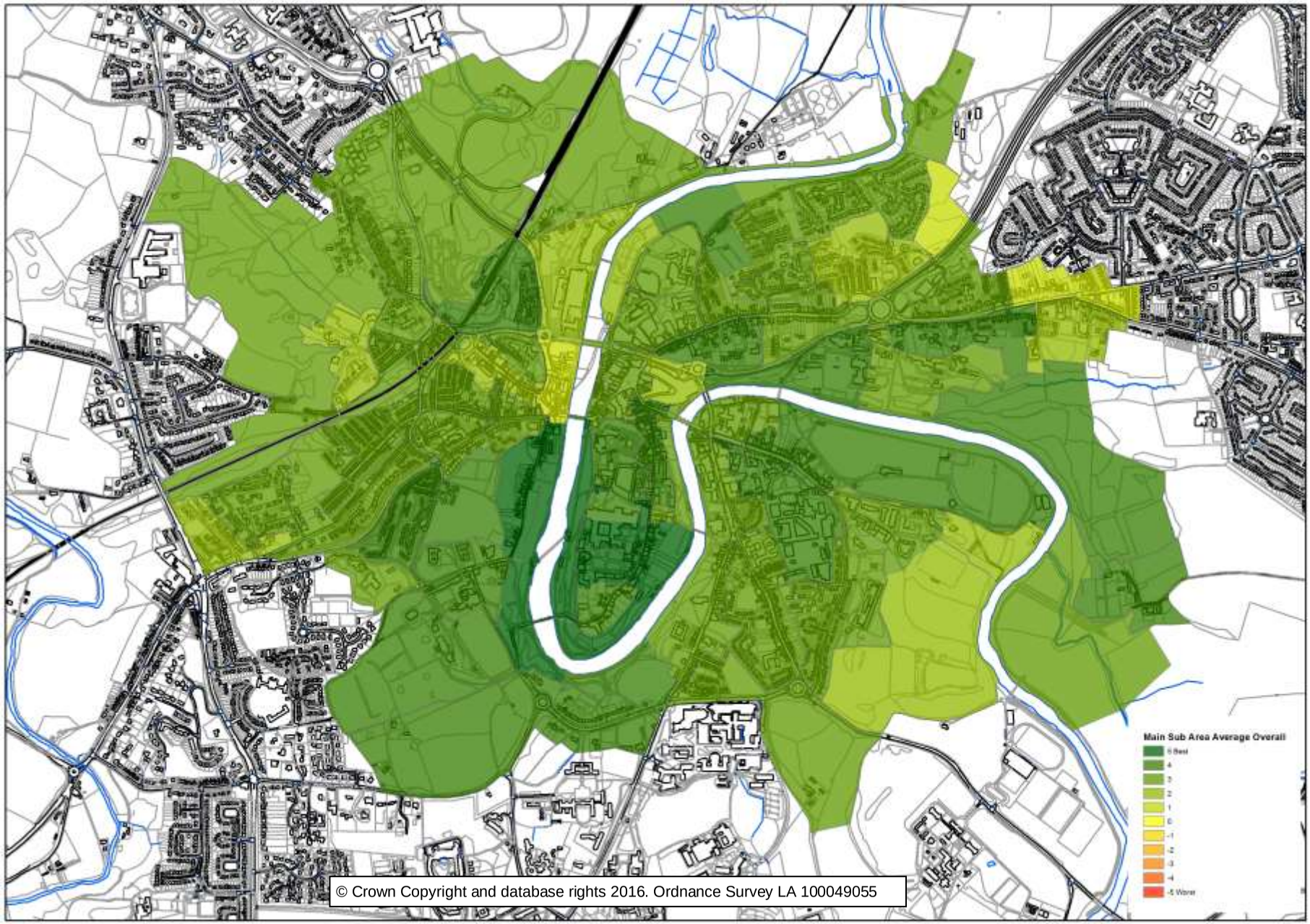
map 9 Character Area 5 boundary

- The area's historical origins as a small linear settlement which grew up along the route from the northeast to the city centre and around the hospital of St Giles and St Giles Church;
- Its historic links with the city centre, forming part of an important ancient route connecting Durham Priory on the peninsula with its estates at Sherburn and Pittington;
- The designated village green forms a scenic landscaped setting to the built development of the area and provides a vital green space in this part of the city;
- The surviving historic street pattern, with buildings on either side of the main road and stepping down the bank towards the city;
- Archaeological deposits associated with Medieval and Post-Medieval occupation along principal streets, St Giles Church and Hospital, the Chapel of St Mary Magdalen and the Kepier hospital site. Also possibility of archaeological deposits associated with Old Durham and perhaps fragments of the nearby Roman villa that may have survived gravel extraction in the 1940s/50s.
- The historic buildings surrounding the village green, dating from the 18th and 19th centuries, collectively forming an important and notable historic group;
- The sense of visual enclosure formed by the continuous street form, with buildings set directly onto public space at back of pavement;
- The narrow but deep rectilinear form of the building plots reflecting the historic burgage plots, many of which still survive;
- The relationship between buildings of various styles and periods, unified by fine prominent green spaces and public footways;
- The topography, with the streets rising steeply out of the city;

- The variation in views towards Durham World Heritage Site;
- The open spaces which vary in type and extent and together with important green roadside and footway verges enhanced by trees and planting;
- The ancient woodland of Pelaw Woods which is a designated nature reserve.
- Old Durham, which is thought to date from Roman Times and Old Durham Gardens, which were principally developed from the 17th and 18th centuries.
- The historic Kepier hospital site, which includes the Grade I Gatehouse and Loggia and the grade II* farmhouse and former hospital buildings (now farm buildings)
- The historic remains of the Chapel of St. Mary Magdalene
- The important college buildings and parkland setting of St. Hild & Bede.

The map on the following page illustrates the overall final Toolkit scoring based upon the value of the landscape, spaces, buildings, views, townscape and ambience. This demonstrates that Durham (City Centre) Conservation Area scores highly generally and remains worthy of its designated status.



map 10 Toolkit Final Scoring - Overall Average

3.5 Summary of Future Challenges

The individual character area assessments have identified a number of recurring themes across the whole conservation area which are considered as being harmful or a threat to the special qualities and character and potentially damaging to the conservation area's significance as a designated heritage asset in the long-term, these are summarized below.

Loss of historic fabric and architectural features

Overall, the conservation area retains a high proportion of originality in terms of fenestration patterns, original windows, doors, rainwater goods and other architectural features and there is evidence that some buildings have been restored. However, many unlisted buildings of interest have been adversely affected by the loss of original features and insensitive replacements such as modern uPVC doors and windows, loss of cast iron rain water goods, and other notable harmful alterations such as the loss of original shop fronts infilled with an insensitive choice of brickwork. This has not only degraded the historic building fabric, but has diminished the overall quality and appearance of the individual properties and in some cases the visual cohesion and overall quality of whole streets.

Condition/upkeep of historic building fabric

There is visible evidence of neglect, or a lack of routine maintenance and repair of a number of the historic buildings within the conservation area.

These generally relate to basic maintenance issues such as areas of missing render and flaking paintwork to walls and dressings, rotten joinery, displaced roof slates and failing rain water goods resulting in water staining. These issues detrimentally affect the building aesthetic qualities and where more significant harm the street scene.



Image 25 Example of a lack of building maintenance

Inappropriate repairs/materials

The use of inappropriate materials or repair methods can be harmful to buildings, both to their appearance and their structure, e.g. the use of cement pointing can be particularly damaging trapping water within the stone and speeding up the rate of decay. Equally, incorrect pointing, such as smear or

ribbon pointing has both a negative visual and structural impact.

Insensitive roof alterations

The conservation area has a rich and varied roofscape which is visible from many public vantage points and contributes significantly to its character.

Although, generally the historic roofs on view remain predominantly unaltered, in some areas modern interventions are slowly emerging for instance large 'box' style and flat-roofed dormer windows and obtrusive roof-lights.



Image 26 Example of insensitive and overbearing roof extension

There are also instances of chimney stack being truncated and where pots have been lost. These changes break up the uniformity of the roof design and harm the individual aesthetic qualities of the buildings and are detrimental to the wider historic roofscape.

Although there is likely to be continued pressure to create accommodation in the roof-spaces should unsympathetic alterations continue then the quality of the historic roofscapes will diminish further.

Building clutter

Many of the principle elevations of the historic buildings within the conservation area have become cluttered by various modern additions and insertions such as prominent alarm boxes, extraction units/vents, light units, cables and wiring snaking across prominent elevations, roofs and decorative features, and redundant wall fixings. These occurrences are more commonly found in the properties in use as accommodation to let.



Image 27 A cluttered elevation with prominent alarm box, service box and wiring

There are also examples of a large number of aerials and satellite dishes prominent on chimneys or projecting above ridge lines, and some on building facades which are harmful to the historic roofscapes and the buildings appearance respectively. All such minor alterations/interventions have a collective and detrimental impact on the character and appearance of the individual property and the overall appearance of the streetscene.

Archaeology

The peninsula contains a rich archaeological resource as do extensive portions of the neighbouring character areas. Even minor ground disturbance can have a significant impact on archaeology. Leaving archaeological deposits in situ is generally the preferred option but where this is deemed not to be possible then a programme of excavation, recording, analysis and reporting must be undertaken. A similar process of investigation and analytical recording should be undertaken both before and during alterations to the fabric of historic buildings and structures. The archaeology of the city has been little explored in comparison with that of other urban centres. It is essential that any archaeological investigations take full account of and as far as possible address the research priorities set out in the North-East Regional Research Framework for the Historic Environment (Petts & Gerrard 2006 and updates).

Shop fronts, advertisements and illumination

The conservation area has a vibrant commercial core around the Market Place, Lower Claypath, Saddler Street, Old Elvet, Silver Street and North Road. These areas feature a number of surviving historic shop frontages, public house frontages, and former dwellings which have been sensitively adapted to a commercial/retail use. Over time some of the historic shop fronts have been insensitively alerted mainly due to modern and unsympathetic advertisements (fascia and projecting/hanging signs), harsh corporate colour schemes and too many signs. In other instances modern signs obscure the shop front detailing and regrettably some historic shops have been completely removed.

In places illuminated signs have an adverse impact on visual amenity while signs are often illuminated by insensitive measures or lit internally creating heavy obtrusive advertisements, furthermore paving signs add to the overly cluttered overall appearance many commercial properties having more than one pavement sign; all of which can harm the aesthetic qualities of the individual buildings as well as the historic character and visual amenity of the locality.

The city has a unique night-time character with dark areas of natural landscape in close proximity to an illuminated core of activity which needs to be carefully managed; inappropriate lighting can have a negative impact on these qualities.



Image 28 Modern shop frontages and unsympathetic corporate signage

Redundancy

Within the conservation area there are a number of vacant historic buildings, these include full levels of vacancy, or in part, empty ground floor retail units or the upper floors. Some of these neglected properties are beginning to deteriorate to varying degrees as a result of their medium/long term vacant status. As some of these buildings can be adapted and are capable of beneficial use, but are long-term vacant and in a deteriorating physical condition, they are deemed to be 'at risk'. These include for example Nos. 30 to 33 Church Street and Nos. 35 to 35a Saddler Street.

There are other significant buildings, such as The County Hospital and the former Durham Johnson School Whinney Hill, which although not presently considered to be at risk require continued monitoring until a suitable new-use materialises with the possibility of remediation works to preserve their character and special interest.

Condition of boundary treatments

There are many traditional forms of boundary treatments to properties within the conservation area which are important components of the townscape. But, there are sections of walling which are in a deteriorating physical condition such as the stone walls along the roadside in Church Street, those around the Prison Officers Club (Elvethall Manor) which are severely weathered in parts, missing stones and suffering from failure of the mortar joints as well as inappropriate past repairs.



Image 29 Example of erosion to historic stone wall and loss of part of brick boundary wall

In High Wood Terrace and High Wood View, Boyd Street, Hawthorn Terrace etc. there are many instances where brick walls have been completely lost which has opened up the rear of the street compromising the enclosed nature and distinctive back land character, and where notable sections of decorative wrought-iron railings and hedgerows have been removed harming the appearance of the street. Pressure for off-street parking as seen at The Avenue and in Gilesgate, large rear extensions, along with a lack of maintenance and general care continue to threaten the walls, fences and hedges to the detriment of the character and streetscene.

Street clutter

In general terms across the conservation area street furniture including seating, refuse bins, cycle racks, bollards, road side railings, street lighting etc. is relatively un-coordinated, some items are out-dated, and others inappropriately positioned, which gives a negative first impression of some areas. Examples of this can be seen in the lower part of Claypath, Saddler Street and in North Road. Additionally, approaching and around the main road junctions and busy crossing points there is an abundance of standardised traffic, warning and parking signs, utility boxes and other supplementary items creating additional street clutter.



Image 30 Street clutter in the lower part of North Road

The collective extent of visual clutter causes significant visual intrusion in some historic part of the city, is harmful to important views, and can also be obstructive to pedestrians.

Floorscape and surface treatments

In the conservation area sections of historic floorscape survive which enhance the setting of the surrounding buildings and the

overall quality of the public realm, but in places they are in a degrading condition as a result of age, general wear and tear and a lack of regular maintenance and insensitive repairs. The majority of the surfacing is standardised i.e. concrete pavements and tarmacadam roads and hard standing parking areas.

In places these are severely degrading with failing materials, cracking and unevenness and inappropriate repairs creating a patchwork appearance etc.



Image 31 Insensitive patch repairs to historic floorscape

Such issues can be seen around the Crown Courts, which affect the setting of the group of listed buildings; at Old Elvet Bridge and in Mavin Street, where the surviving cobbled surfacing and stone sets are missing and displaced. These problems, taken together, harm the aesthetic quality of the area and the continued decline would cause significant further harm in the future.

Vennels and informal lanes

Some of the historic vennels, informal lanes and courtyards within the conservation area are uninviting environments for pedestrians. Traditional surfaces have sometimes been replaced by insensitive tarmac or concrete setts, or historic surfacing can sometimes be loose or uneven. The enclosing walls to the vennels are sometimes heavily graffitied and in some instances heavily overgrown which erodes their townscape value further. This occurs in places such as Drury Lane, Moatside Lane and in the vennels on the north side of Old Elvet.



Image 32 Graffiti within a historic vennel

Green spaces

The conservation area incorporates an abundance and wide variety of green spaces which enhances its character and appearance and many of the larger areas such as The Sands, The Racecourse, the DLI grounds and Wharton Park are regularly maintained.

Other significant area such as the Gilesgate Village Green, an instantly recognisable and long standing feature which defines the character of the local historic environment, has been eroded by informal parking areas and other parts have been damaged by parked vehicles.



Image 33 Vehicle damage to Gilesgate Village Green

Some of the smaller yet important incidental spaces such as the grassed verge and corner green open spaces have also been neglected over time; areas have been damaged by vehicles and or by works carried out by service providers.

This lack of active or management devalues the visual amenity worth of these spaces and this continues to be a threat.

Trees

Trees within the conservation area have significant visual amenity vale enhancing the setting of the buildings and the townscape in general and in help create the city's distinctive semi-rural character in places. Some trees are more at risk than others; they are largely self-seeded so are often unmaintained and in a deteriorating condition and frequently under pressure from new development with little or no reassurances over further maintenance when retained. It is therefore important that these issues are controlled through the Development Management process. Rampant tree growth on the peninsula has obliterated key designated views into and out of the are this losing the connection with the wider setting, in particular the WHS and opposite banks, with views from Prebends Bridge and the opposite bank now almost entirely lost due to heavy tree cover. Historic maps show the riverside path with an open aspect allowing views to the Castle Walls, Prebends' Bridge and Elvet Banks on the opposite riverbank. Such views have now been largely lost. Tracts of uncontrolled tree growth have thus compromised the picturesque landscape.

Parking and Traffic Management

The conservation area is a busy environment that experiences very high volumes of traffic, certain roads are also used as 'rat runs' to shorten journey times, and certain parts can become very congested at rush hour and school run times etc. This has a crucial influence on the physical environment and the area's character and appearance.



Image 34 Visual clutter generated by traffic management at a key junction of medieval streets

The proliferation of standard traffic signs, posts, road markings, parking pay-points, and safety rails etc. in parts of the city inevitably introduces alien features and visual clutter, which detracts from the character or appearance of the designated area.

Traffic calming measures have gone some way to reducing traffic speed and controlling traffic but the accompanying items do not always sit well with the strong historic character and appearance of the area because of their locations, uncompromisingly modern materials, colour and design.

Changes in use and sub-division

There is an ever increasing demand for rented accommodation within the city centre. This has resulted in many single-occupancy dwellings being converted into houses of multiple occupation (HMO's). There will be continued pressure for the change of use of buildings within the conservation area some of the buildings may be suitable for conversion, others less so, and it is imperative that the growth and distribution of HMO's is carefully considered.

Future conversions should seek to retain and emphasise features relating to the original function of the building and its special character, and external appearance and interest, otherwise the building loses its identity.

Conversions can also lead to proposals to extend properties, to allow a higher number of residents, which can have a detrimental impact on the character of the individual properties and collectively the spaces. Increased pressure for the residential use of underused or redundant upper floor space is an issue as proposals may require alterations to external elevations.



Image 35 Examples of issues surrounding the sub-division of properties in historic streets

Changes of use can also negatively impact upon the surrounding physical environment and some harm has already occurred with long term to-let signs, refuse and recycling bins left out in the public realm and windows divided by internal partitions etc. which has a negative impact on the appearance and character of the street scene.



Image 36 Examples of low quality modern developments visually prominent in North Road and Hallgarth Street

Extensions

Over time a number of rear extensions have been constructed which overwhelm the original identity and uniformed character of the rear street scenes with no counterbalance in quality, and it is imperative that this does not continue into the future. Low quality existing extensions should not inform the design or justify the construction of others. Development needs to be closely controlled and where there is a potential for a negative visual impact this should be resisted or appropriate mitigation implemented to preserve the character, appearance and special significance of the area.

Modern/New developments

Within the conservation area a number of infill developments have occurred over time, some of which contrast negatively with the historic grain and do not blend in with the local vernacular. In considering proposals for redevelopment of such sites, amongst the primary concerns should be the principle of

development or use in the first instance, the overall scale and of any new building, the architectural concept and detailing and its relationship with its context. A good new building should be in positive contrast with, or complementary to, its neighbours having regard to the pattern, rhythm, details and materials of the surrounding built form. Major developments can impact upon significant views of Durham World Heritage Site, and other heritage assets, and so need to be considered in the short, medium, and long distance context, and with regards to the cumulative impact.

Management Proposals

Following on from the above the challenge is to manage the conservation area in ways that maintain and reinforce the special character, appearance and significance of the place. As such management proposals have been drawn to help address the various issues identified in the previous section and to set out a framework for the future preservation and enhancement of the conservation area; full details can be found in the management proposal section of the relevant individual Character Area Assessments.

3.6 Boundary Changes

As part of the appraisal process consideration was given to the appropriateness of the existing conservation area boundary identifying and assessing areas for both inclusion and exclusion based upon their contribution and significance. This assessment included both the built form and landscape features, and is part of the proactive management of the historic environment. The assessment of the conservation area identified a potential extension to the designated boundary to further strengthen the special interest of the area, which was formally approved on 14th July 2016 along with minor changes to reflect current property boundaries. No deletions are proposed at this time.

St Aidan's College

This is a southern extension within the Elvet Character Area. This area has historic interest, originally forming part of the Elvet Hall Estate in the Victorian era. The built form includes a former hall, and a mixture of characterful cottages, cemetery buildings and farm buildings etc. of historic, architectural and aesthetic value, which are in good physical condition with surviving historic features.



Image 37 Examples of street trees and greenery, a characterful historic building and important surviving stone walls within the St Aiden's area

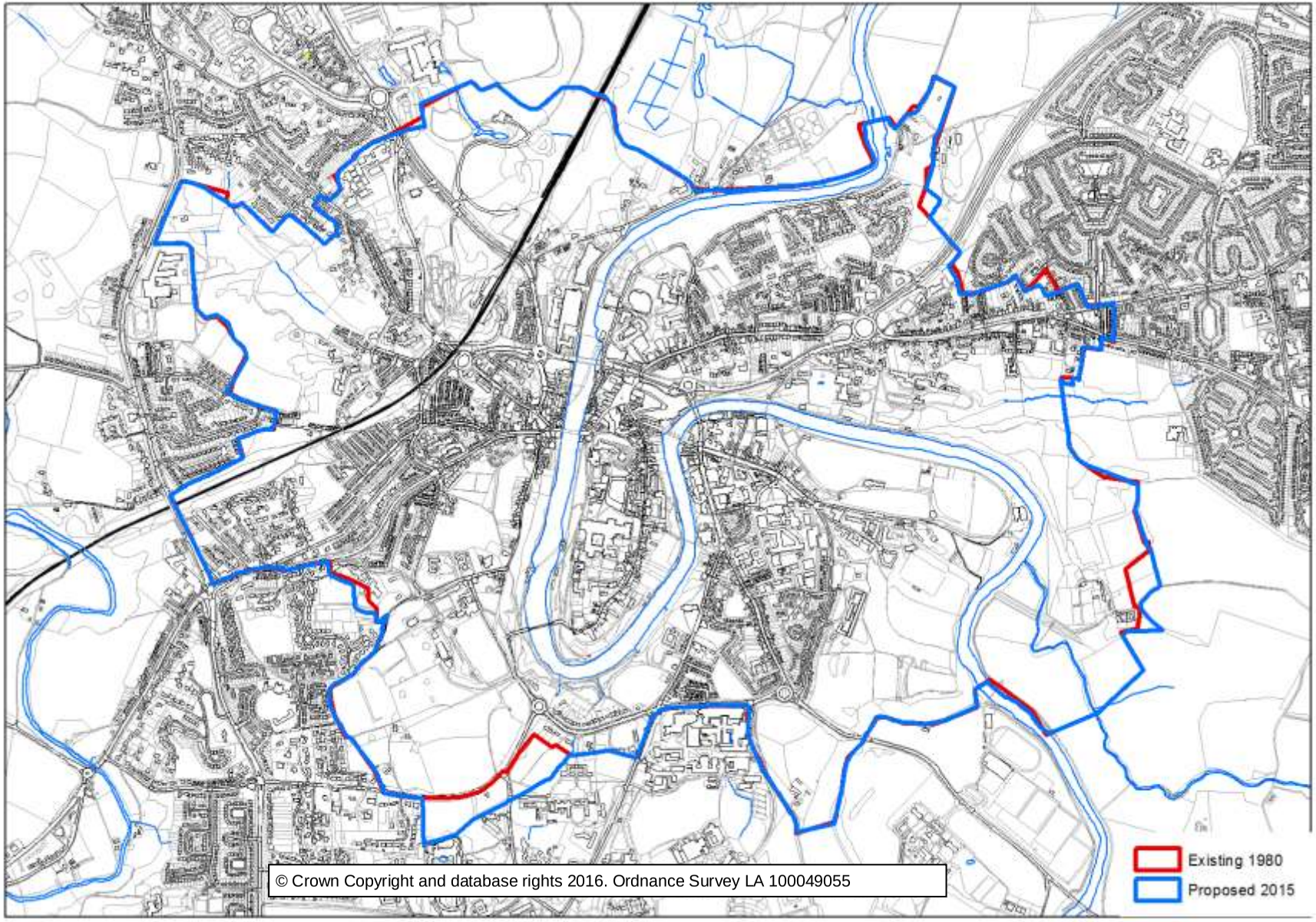
The landscape is of particularly high scenic value comprising of the former estate grounds, open and steep sloping grazing lands, tree belts, groups of trees and including important stone walls and hedgerows forming historic boundaries. This area has particular significance in forming part of the setting and backdrop to the Durham World Heritage Site, from which there are a number of outstanding public views towards Durham Cathedral.

This area was considered to meet the statutory test for the designation of a Conservation Area in the Planning (Listed Buildings and Conservation Areas) Act 1990) as 'areas of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance'.

Other approved changes were of a minor nature to accurately follow more natural boundary lines; these are shown on the map below.



Map 11 Conservation Area Boundary Extension - Potters Bank/St Aidan's College



Map 12 Boundary amendments

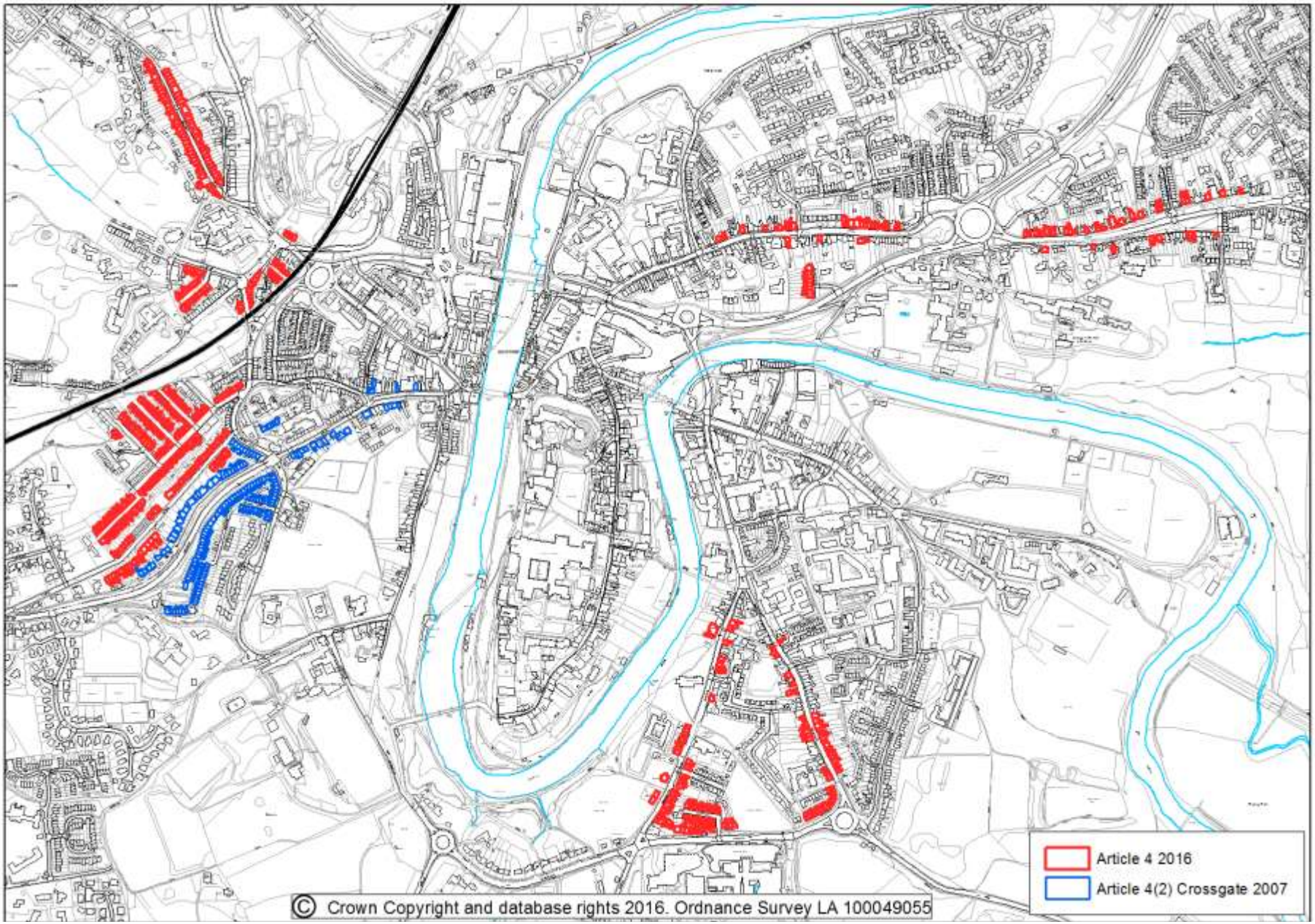
3.7 Article 4 Directions

Minor development such as domestic alterations and extensions can normally be carried out without planning permission under the provisions of the General Permitted Development Order (GDPO). Article 4 of the GPDO gives local planning authorities the power to restrict these 'permitted development rights' where they have the potential to undermine the historic environment. Using the provisions of Article 4 of the GPDO brings certain types of development back under the control of a local planning authority so that potentially harmful proposals can be considered on a case by case basis through planning applications. This can help prevent the erosion of the architectural details and character of the older traditional and historic buildings in the conservation area which undermine the general visual amenity of the area. This would mean that planning permission would be required to carry out works such as alterations to a roof slope, window replacement, construction of a porch, alterations to a means of enclosure, the installation of a satellite dish/antenna etc. Flats, shops, public houses and commercial premises are excluded as they do not benefit from the same permitted development rights as dwellings, so the Article 4 Direction would not apply. Listed buildings are also not included as Listed Building Consent is required to carry out internal and external alterations.

The appraisal of the designated conservation area identified the need for Article 4 Directions in 4 areas as their character, appearance and special significance is under threat from works carried out under Permitted Development Rights, development pressures and proliferation of private rented accommodation etc.

The new Article 4 direction for Durham City covers alterations such as material alterations to elevations fronting an adopted highway including porches and removal of existing architectural features, painting facades and rendering; the changing of roof materials, removing chimneys, adding dormer windows and roof lights; replacing windows and doors; creation of hard standing areas; removal of boundary features such as walls.

The new Article 4 areas are shown on the map on the following page, followed by a brief justification statement for each area; full details can be found in the Management Proposal Section of the relevant individual Character Area Assessments.



map 13 Article 4 Directions

1 Hawthorn Terrace

This Article 4 Area includes Hawthorn Terrace, Holly Street, Mistletoe Street, Lawson Terrace, Laburnum Avenue, May Street and The Avenue. This area essentially comprises of Victorian terraces below the Viaduct and adjacent to the railway line along with the Victorian, Edwardian and Arts and Crafts villas and townhouses which climb up the steep hill towards Neville's Cross. These Victorian terraces have a distinctive character, small and compact, uniformed construction and street pattern with a distinctive roofscape and important back lane environment.

This is in contrast to the larger townhouses and villas of more individual quality enhanced by a richness of detailing and materials. The properties retain a strong degree of originality with many original features left intact.

The character of the area is enhanced further by boundary structures and divisions such as brick walls and hedges. These along with trees, shrubs and gardens visible in the public realm create a distinctive suburban ambience. This area is also of historic and social significance linked to the mining and railway history and associated development within the city.



Image 38 Lawson Terrace

2 Hallgarth Street / Church Street

The Hallgarth Street and Church Street Article 4 area also includes Anchorage Terrace, Oswald Court, Church Street Villas, Mountjoy Crescent, Gladstone Terrace, High Wood View and Union Place. The character of this part of the conservation area is formed by an impressive variety of Georgian, Victorian and Edwardian properties within a uniformed street pattern along two major routes into the city centre.

The built form includes grand townhouses, smaller cottages and uniformed terraces of historic interest, architectural merit and aesthetic value. Many of the properties on Hallgarth Street

and Church Street retain their original linear Medieval burgage plot form which is an important characteristic of the area.



Image 39 Mount Joy Crescent

Within the area there is a large variety and richness in detailing and materials and the properties are in a good physical condition. This area has particular significance in the historical development of the city dating from Medieval times and there are a number of listed buildings contained within it, including St Oswald's Church and the Tithe Barns.

3 Claypath / Gilesgate

The Claypath and Gilesgate (upper and lower) Article 4 Area occupies the western sector of the conservation area and includes the associated street of Ravensworth Terrace.

This area is a major historic route into the city which is highly visible and an important gateway entrance.

The area has a wide mixture of historic properties including Georgian, Victorian and Edwardian terraced townhouses which combine to create interesting and changing historic streetscenes and roofscapes. The properties range from modest terraced dwellings to grander townhouses and larger villas with a high percentage of original features still intact and the physical condition of the buildings can be described as generally good. This area has historical significance in being one of the key Medieval routes into/out of the city and includes many important listed buildings including St Giles Church.



Image 40 Upper Gilesgate

4 Western Hill

The Western Hill Area includes a number of historic streets such as Albert Street, Lambton Street, Mowbray Street, Sutton Street etc. This area has been considered for an Article 4 Direction in the past which went out to public consultation and was generally supported with little negative feedback; however it was never formerly ratified by the former City of Durham Council.

The area has a distinctive character of predominantly Victorian terraced properties; those within the southern part are modest simple dwellings whereas those along Albert Street are larger and much grander. The properties stepping down the hill have appealing public frontages and a distinctive historic stepped roofscape.

Generally the properties retain many original features and the buildings are in a good condition, the terraces around the Viaduct area can be described as good to fair with examples of original details left intact but regrettably some features have been lost. The areas importance is also derived from it forming a major traffic route and gateway into the city centre and its historic and social interest linked to the mining and railway development in the city.



Image 41 Lambton Street

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Character Area 2:
Framwellgate

July 2016

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Key Dates

Original Designation	7 August 1968
Boundary Amended	25 November 1980
Boundary Amended	29 July 2016
Character Area Appraisal Approved	29 July 2016



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Character Area 2 Framwellgate

Character Area 2 – Framwellgate

1 Introduction and Overview

The Durham Framwellgate character area occupies the north western sector of the Durham (city centre) Conservation Area. It is a mixed use area of historic significance forming part of the Medieval infrastructure of the City. It contains a rich and diverse historic building stock including many listed buildings and other non-designated heritage assets.

There have been significant changes in the area which have influenced its form and shaped its present character. Most notably the construction of North Road in 1830, followed by the introduction of the North East Railway Company main line with the associated Victorian terraces and development; the later 20th century developments such as Millburngate House, The Gates Shopping Centre and in the 21st century the Walkergate Development.

The other major components of the character area are the River Wear, the river banks and The Sands, St Nicholas cemetery and the parkland setting of Wharton Park and Aykley Heads providing a high quality landscape setting to this area. These areas contribute significantly to the setting of Durham Cathedral and Castle World Heritage Site and the wider City.

2 Summary of Special Interest

It is considered that the special character and significance of the Durham Framwellgate Character Area is derived from the following elements and it is this essential character which should be preserved or enhanced:

- The architectural diversity of the historic building stock from Medieval halls and barns to modest Victorian terraced houses;
- The juxtaposition of traditional buildings with contemporary developments emphasising the development of the modern city, embracing the millennium;
- Variation in scale and the strong visual contrasts between large keynote buildings and humble properties;
- A number of Grade II and Grade II* Listed Buildings in the Crook Hall, Claypath and North Road area of Medieval, Georgian and Victorian periods.
- Important clusters of non-designated heritage assets throughout the area that add character to the townscape;
- The surviving architectural features and details and consistent use of traditional materials within the historic buildings;



Image 1 Riverbank views, North Road and the impressive Viaduct



Image 2 High quality buildings

- The surviving Medieval streets that add to the existing built form and character of the city in Sidegate and Claypath;
- The development of the main station at Windy Hill and the impact that the railways had on this part of the city;
- The predominantly non-residential character of the area, with a close grouping of commercial, leisure, cultural and recreations uses at its centre, which originated from the Medieval land uses of the Bishop's Borough;
- The topography of the area from the low lying flood plain of the River Wear to the sloping woodland and fields rising to Aykley Heads to the dramatic steep slopes at Wharton Park, part of the lower reaches of Durham Bowl and its visual relationship to setting of the Medieval city;
- The importance of the River Wear in terms of its visual and recreational value and the surviving examples of the previous industrial developments on its banks;
- The varied use of boundary treatments in the semi-rural/less developed areas, mature trees, hedgerows and stone walls that provide sylvan entrances to the city centre and a green backdrop to the buildings;
- The importance of recreational space; the more formal leisure provision at Wharton Park to the more informal large elevated open spaces at Aykley Heads and the expanse of the floodplain at The Sands riverbanks;
- The dramatic and wide variety of views across the city and towards the Durham Cathedral and Castle World Heritage Site;
- The tangible links between development, the river, major road connections and the rest of the city in particular the Market Place and Peninsula.

3 Location and Boundary Description

The Framwellgate character area forms the north western part of the conservation area. Principally it comprises of the former Medieval streets of Framwellgate and Sidegate and part of Claypath. It stretches out westwards to include the green slopes of Wharton Park and part of the former Aykley Heads Estate leading across to the Medieval cluster of buildings at Crook Hall.

The riverbanks play an important part; The Sands and St Nicholas's cemetery provide a buffer to the Victorian developments in the Providence Row area and the modern complex of building such as Freemans Reach Sports Centre, Millennium Place and the Gala Theatre. The character area is principally the secular city that grew up in support of the Peninsula religious and defensive centre. This has continued to develop throughout the 19th, 20th and 21st centuries and predominantly forms the 'new' City.

The boundary of the character area is defined to the south by North Road, heading northwest underneath the Viaduct and following the route of the road up the steep slope to the east side of St Leonard's School and terminating at the north end of Framwellgate Peth. The boundary then travels east skirting the grounds of County Hall and around the edges of the Durham Light Infantry Museum and Arts Centre incorporating the Aykley Heads former estate. It then heads southeast around the outskirts of Crook Hall to Frankland Lane and crosses the



Image 3 Diverse range of views around the character area

River Wear following The Sands to Hillcrest and Bakehouse Lane. From here it crosses Claypath down Tinkler's Lane and heads west following Leazes Road before turning sharply south along Milburngate, meeting back at North Road.

4 Geology, Topography and Setting

Durham City lies within a wide belt of coal measure sandstone in a broad valley at the confluence of two rivers, the River Browney and the River Wear. After the Ice Age the area found itself underwater in a large lake of glacial melt waters dammed by the receding ice flow to the north. The glacial deposits choked the old river valleys at the junction of the Browney and Wear, where the Wear was forced to reuse its old drift-filled channels.

This created wide flood plains but where the river cut through the solid rock to avoid the buried valley, narrow steep-sided gorges were formed that meander around the peninsula at Durham. The green and open spaces adjacent to the riverbanks on this low lying sandstone and deposits are also a key characteristic of the area.

The setting of the Framwellgate Character Area is reinforced by the topography of the Peninsula. The Market Place and St Nicholas Church sits high above the River Wear at the neck of the Peninsula, with Durham Castle and Cathedral above them. The sub-area sits at the centre of a bowl which dips and then rises steeply towards the outer edges and the green fringes to the north that is Aykley Heads, forming a section of the 'Durham Bowl'. The green wooded slopes and open fields contribute significantly to the setting, character and appearance of the conservation area and also to the wider softer landscape setting of the riverbanks and the open green expanse of The Sands and countryside beyond.

5 Historical Summary and Development

Pre Historic-Early Medieval-up to AD1066

Durham City grew up from the Peninsula after the arrival of the Community of St Cuthbert in 995. This event, and the subsequent Norman Conquest, lead to the construction of Durham Castle in 1072 and a short time later Durham Cathedral in 1093. However, there is documented evidence to support an earlier settlement and it is very likely that from early times there have been dwellings in the Framwellgate area.

The earliest record of Durham during the early Medieval period (410-1066 AD) comes from the Anglo- Saxon Chronicle, which records the consecration of a Bishop at Aelfet in 762 AD. Aelfet means Swan Island, and was probably the origin of the name Elvet. It also suggests that the area surrounding the Peninsula was cultivated and inhabited in much earlier times and there were fords at the present locations of Framwellgate Bridge, Kepier, and possibly Prebends Bridge, linking parts of Durham before St. Cuthbert. In fact one of three Roman routes that entered Durham is Cade's Road, possibly passing Old Durham crossing the River Wear near Kepier, however the route through the Framwellgate area is unknown.

Medieval Period/Development of the Old Borough (1066-1540)

The town plan of the City based on the Peninsula was largely established by the mid-13th century and altered little during the following 600 years. One of its most distinctive features was that it was sub-divided into four separate parts known as 'boroughs'. The Medieval city boroughs were independent urban communities with their own churches, courts and mills and maintained their separate identities to the end of the Medieval period.

The boroughs of Durham were the fortified Peninsula encompassing the Castle, Cathedral and Priory; the Old Borough (Crossgate/Allergate), the Bishops Borough (Framwellgate/Sidegate) Elvet Borough (Old Elvet/Church Street) and St Giles Borough (Claypath/Gilesgate).

Apart from the surviving churches, the public buildings of the Medieval town have almost completely vanished. Within the Framwellgate character area there were two former religious guild buildings St Cuthbert's (Claypath) and St Margaret's (Framwellgate), as well as the Borough court in the late 13th century (this is where tenants paid their rents, tolls and fines.) The Bishops Borough was the only borough with a market. Within the borough the mills and bake houses were important, erected by each borough by their overlords to enable their tenants to comply with the tenurial obligation to grind corn and bake bread. There were also eight mills in the City, milling took place at Bishop Mill that stood on the weir downstream from Framwellgate Bridge and opposite the Prior's Clock Mill on Milneburn stream while further down at Framwellgate Bridge a bake house existed.

Framwellgate started growing in importance in the early 12th century, especially around the year 1120 when Bishop Flambard constructed the Old Bridge, now Framwellgate Bridge to link Silver Street and the old market area with Crossgate and the newly formed street with Framwellgate. East /west trade grew as a second bridge was built in Elvet. St Margaret's Church was first established in the 12th century at the bottom of Crossgate, close to Framwellgate and the parish also included the entire Framwellgate area.

Framwellgate was also an important route that headed northeast towards an ancient spring "Fram Well". The Medieval street ran parallel with the River Wear with distinctive long burgage plots, terraced gardens and orchards sloping down towards the river. It was a broad street with a strong built up frontage.

Milburngate joined Framwellgate close by the river; the Mill Burn was a small watercourse that originated from Flass Vale, this was culverted and ran under the Medieval streets. It now follows the route of North Road entering the river from under The Gates Shopping Centre. The area known as Milburngate was historically a slum area, running parallel with the River Wear and gently curving up the hill before widening and became Framwellgate, to the south it linked into Kings Street

(today North Road) and Framwellgate Bridge - the Medieval crossing point.

The mixture of historic commercial, public houses and residential tenements on Medieval plots resulted in a very dense overcrowded townscape which continued to deteriorate into the Victorian era.

In 1450 the ancient spring of Fram Well was given to the inhabitants of the City of Durham by Thomas Billingham by deed. The Medieval street of Sidegate nearby benefited from this facility and became an important route, not only to the city centre but also out to Crook Hall and the surrounding open countryside. Sidegate, effectively marked the end of the Medieval city, it originally joined the junction with Framwellgate and has remained in place despite the destruction of the Medieval street pattern around it.

In contrast to the tightly knit city centre Medieval streets, the countryside just beyond the urban edge of the Medieval town supported a number of small estates, each centred on a manor house. The sole survivor is Crook Hall which retains a 14th century stone and brick hall with an adjoining service cross wing. In the 17th and 18th century a further wing and a fine Georgian town house was added to the original Medieval building remnants. Various buildings were added in 18th century consisting of two barns, a coach house, granary and farm house to create a fine cluster of buildings around a central courtyard. In recent times there have been numerous alterations and restoration work to Crook Hall. In the 1980's a stair turret was added to the west wing of the original hall, the Medieval walls have been restored and the grounds restored and extended to provide a series of beautiful contained landscaped gardens. A new visitor centre was added in 2014.

In Medieval times within the western part of the character area, on land between North Road and Framwellgate Peth, the Bishop established a leper hospital at St Leonard's, near to where the Garden House public house stands today. On historic maps the land was called Chapel Close and there may have been a chapel here before it became the site of St Cuthbert and its large churchyard which now has significant presence within the streetscene. The parish church itself dates from 1858-63 by E.R Robson. The churchyard extends southwards from the church where it adjoins Wharton Park.

Also in Medieval times (c.1292) close to the leper hospital was another hospital called St Leonards. The location of the hospital was on Spittal Fields, now adjacent to County Hall and it would seem that the hospital and chapel were somehow connected. Executions were held nearby at Gallows Fields, according to the 1800 maps, which show that Gallows Field was located on the spot now occupied by St Leonards Roman Catholic School and that some of the executed criminals were buried in the chapel nearby. In the Medieval period within the eastern sector of this character area Clayport (now Claypath) ran north east from the Market Place into St Giles Street (now Gilesgate) leading to Sherburn.

Claypath means Clay Hill, and the street climbed up the ridge bordered to the north and south by the valley of the River Wear, lower Gilesgate is a virtual continuation of Claypath. There was once a notable marker called the leaden cross that marked the boundary between the two streets or more specifically the boundary of the parishes of St Nicholas in Durham's Market Place and that of St Giles. The ancient parish of St Nicholas comprised the central portion of the city including the Market Place and the streets which branch from it, part of Elvet Bridge and Framwellgate Bridge, Claypath to the site of the leaden cross, and the fields and gardens around The Sands as far as Kepier Gate.

At the heart of the parish was the Church of St Nicholas, first mentioned c 1133-41 but the Medieval extent is unknown and the present church is wholly Victorian. Close to St Nicholas Church in c1315 the town created separate defences with the City's defensive walls extended to the Market Place. This included the construction of Clayport Gate, which was the only way in and out of Durham itself on land; it was described as being 'a good size with a chamber above'. The gate marked the main route out of the city up Claypath bound for the coastal ports and religious establishments at Sunderland, Monkwearmouth and Jarrow, and was used by pilgrims, traders, merchants and the like entering and leaving the city.

At the eastern end of Claypath on the south side of the street is Tinkler's Lane, a cobbled alleyway or vennel and historically the boundary demarcation to the south between the two parishes. The historic vennel is hemmed in by high walls on the south side of Claypath and Lower Gilesgate from where it rapidly descends all the way towards the valley of the river Wear opposite Elvet, it originally terminated near Baths Bridge.

The greatest change in the appearance of the City between 1550 and 1860 arose from the rebuilding of its houses. Timber framing was gradually replaced by brick and stone, and extensions both upwards and backwards into the burgage plots in the 16th and early 17th century is evident in Claypath. Durham's population growth during the late 17th and 18th centuries, although not rapid was accommodated largely within its Medieval boundaries. This again resulted in extending existing buildings, allowing new back plot development and accommodating a variety of working practices. New courtyards, vennels and yards were created to provide access to the new cottages, outbuildings and warehouses.

The opening up of the city was brought about firstly by the decline in its military role. Later it was encouraged by the influence of the 18th century Paving Commissioners and their 19th century successors, the Local Board of Health, to seek improvements first in highways, then public health and sanitation.

This was particularly relevant for the slum area of Milburngate which continued to deteriorate and was eventually cleared.

To the north of Claypath is Providence Row an ancient historic route providing direct access to the riverbanks, The Sands area and Kepier Hospital. By the early 19th century there were a number of cottages and terrace houses fronting directly onto Providence Row leading to The Sands and riverbanks. Today, only one building remains from this period No 11, a Georgian cottage and the former childhood home of former Prime Minister Tony Blair. The former cottages adjacent and land to the rear were replaced and developed in the late 19th century and rows of Victorian terraces were developed at Finney and Wanless Terrace primarily to accommodate workers.

Since the 15th century the meadow known as The Sands has been common pasture belonging to the Freemen of the City of Durham. The land has remained open since this time and was used as grazing land. The 1860 map shows a pathway called Rope Walk cutting across this area, this was a route to the local rope making factory nearby. In more recent years it has been used for informal recreation. Further to the east Bakehouse Lane on the north side of Lower Gilesgate, marked the parish boundary between Claypath to Gilesgate borough, joining up with Tinkler's Lane to the north.

By the end of the Medieval period the extent of the urban structure of Durham was fully formed. It was a small town with a Medieval street pattern and the separately administered boroughs still existed to serve the palatinate overlords of the Bishop and Priory. Late Medieval urban depopulation limited further growth of the town.

Post Medieval period (1540 to1899)

John Speeds Plan of 1610 shows Framwellgate Bridge and Elvet Bridge and a number of the streets leading away, including Framwellgate and the route of Kings Street (now North Road). The area only significantly changed in the 19th century, when in 1830 North Road was built to replace Kings Street and Framwellgate as the main entrance into the City from the North. The newly created radial road provided direct access to Framwellgate Bridge. It was designed to improve the overall traffic network of the City, heading northwards up to St Leonards. There was considerable local opposition, based on concerns about the impact that the diversion would have on Framwellgate, fearing the trade of the City would be affected. Trade in this street was in fact eventually affected and the area deteriorated to become a multi occupancy slum. As part of the construction of North Road, houses to the west of Framwellgate Bridge were demolished and new terraced houses were built in Neville Street linking North Road with Allergate.

By the early 19th century about a quarter of all tithes were in lay hands. The Tithe Commissioning Act of 1836 acted as the mechanism for replacing old tithes in by new rent charges. The manuscript map following this shows tithe apportionment drawn up in 1838 of the Framwellgate area, this indicates the land uses, plot breakdown, field names, occupiers name. These maps provided an interesting historical record of the land uses

in the area up to 1938 when the Tithe Act extinguished tithe rental charge completely.

North Road

North Road became a hive of activity in Victorian times being the main shopping street as well as a place of industrial activity. It features a range of architectural styles in close proximity which is an indication of the rapid expansion of this part of the City.

The street includes some commercial Victorian properties as well as a number of important buildings such as the Old Miners Hall built in 1875.This was the headquarters of the Miners Association designed by T Oliver of Newcastle and was eventually outgrown and replaced by a new Miner's Hall in Redhills. Also of interest is the former bank building at 65 North Road, the Bethel Chapel, Ministers House and the more modest Shakespeare Hall.

The northwestern side of North Road includes a number of semi-industrial uses such as North Road Steam and Corn Mill, the Hauxwell Iron foundry, and in Reform Place a collection of warehouses and storage buildings. The proximity to the Central Railway Station may have driven this mixed use development. In contrast the southeast side towards the city centre has a much denser urban fabric.



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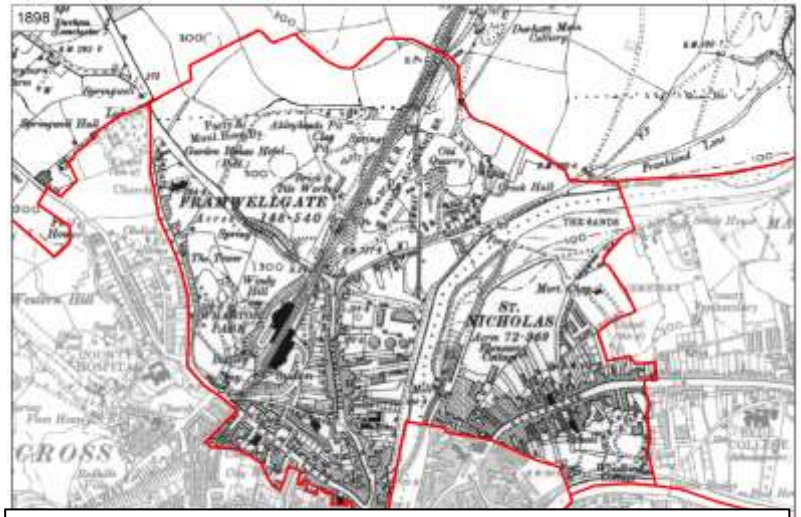
Map 1 Ordnance Survey 1860

In 1857, the current Durham Railway Station immediately to the northeast of North Road was built by the London and North Eastern Railway Company. The station was built on high ground near Windy Hill/Wharton Park on land partly owned by William Lloyd Wharton. In the same year the company constructed the impressive Viaduct to bridge Flass Vale Bog and North Road.

It was a remarkable engineering feat; over 100 foot in height with 11 high arches soaring over the city. It was not until 1872 that this became the direct link between Newcastle and London. Station Approach was later built winding up the steep hillside. The development of the railways had a dramatic impact on the appearance and development of the city,

Victorian terraces sprung up adjacent to the Viaduct, out west into the open fields of Crossgate and further out in the Providence Row area, to provide cheap and efficient housing for workers in the corn mill, iron foundry and local pits.

Beyond the city boundaries the Victorian era saw the continued expansion of the Durham coalfield. This part of the city was significantly affected by the growth, with pits close by in 1828 at Aykley Heads and later at the Old Durham Pit behind Crook Hall. This area became a hive of activity; a tramway was built to transport the large quantities of coal which later supplied the large gasworks along Framwellgate waterside. Nearby were quarries, brick and tile works and engine sheds.



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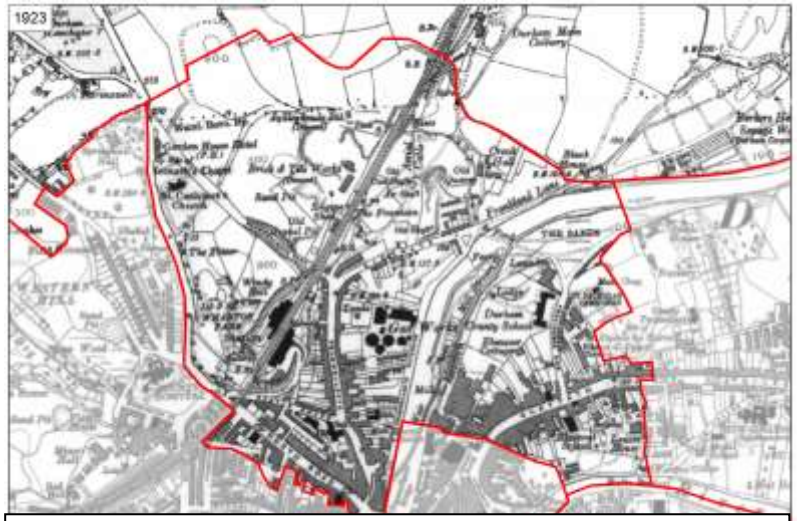
Map 2 Ordnance Survey 1898

In 1858 Wharton extended his grounds of Mount Beulah (now St Leonards School), to create a summer garden and terrace on the neighbouring knoll on Windy Hill, which exploited not only the spectacular views of Durham Castle and Cathedral, but looked down onto Wharton's railway lines and station. The castellated structure of the Battery, replicating those of Durham Castle, linked the new age of the railway to the heritage on the Peninsula. Wharton bequeathed the use of Windy Hill to the City in July 1858; although he retained ownership of the land Wharton Park became one of the first Public Parks in the region. The park became very popular with local people and was used for a whole host of events and the first Durham Miners Gala was held in Wharton Park on 12th August 1871.The celebrations regarding the Coronation of George V in 1911 were held here, as well as Women's Gala Days held during the early 20th century.

In 1915 W.L Wharton's daughter gave Wharton Park to the City Council. After WWII the park was cultivated for growing food to assist with the national food shortages. The grounds continued to be used for informal leisure activities, and the amphitheatre has been used for brass band concerts, as well as religious services and folk festivals on a regular basis. Today the park is being restored by the County Council with support from the Heritage Lottery Fund.

Other notable developments within the North Road area during this time occurred in Castle Chare where the

magnificent St Godric's Church was built in 1864 by E.W Pugin, with the tower added in 1909-10 by Pugin and Pugin. The church rests on a raised mound contributing to its dominant presence over the city. Adjacent to this is the early 18th century St Godric's and St Anne's Court, a former convent with fine rococo internal decorations. Castle Chare's historic route was soon to change in the 20th century.



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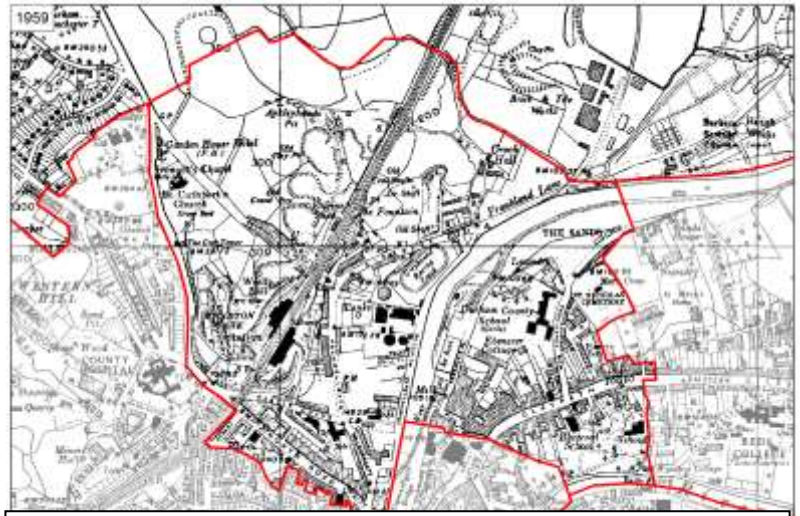
Map 3 Ordnance Survey 1923

Claypath

In the east side of the Framwellgate area Clayport was demolished and the city walls were removed in 1791. The riverside area became a hive of activity with other industries (mills and smithies) concentrated along the mill race adjacent to the river, in the early 20th century a laundry was established nearby. To the rear of this area a ford was constructed linking the east and west bank of the River Wear near Crook Hall. A Pennyferry existed to provide a cheap and reliable passage for the carpet employees.



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Map 4 Ordnance Survey 1959

In the late 16th century the 'New Place', the town house of the Neville's, was constructed within the northwest corner of the walled city. This part of the city subsequently became closely associated with the cloth industry, the 'walker' element of Walkergate being derived from the fulling industry. In the late 16th century the title of the fullers' company was the 'Clothmakers and Walkers'. The woollen manufacture premises were sold outright to Mr G Henderson in 1809 and under him the carpet industry was introduced in 1814.

The lower part of Claypath continued to develop as an intensive commercial and retail area in the 19th and early 20th century. Its Medieval route had excellent physical links to the Market Place, and shops, public houses, offices and hotels flourished in this area at this time. Noteworthy buildings include the Mechanics Institute built in 1841 and The Palladium at No 26 a former cinema of the art deco style opened in 1924, (later used as a bingo hall) and the Police Station (No. 80) Rajpooth Tandoori. The street continued to prosper as a major commercial route into town into the late 20th century but the lower part of Claypath changed significantly as a result of major road building programme.

In the early 19th Century a number of new Georgian terraces, townhouses and cottages were constructed in the Claypath area. Half way down Claypath, Leazes Place is set back from the main street frontage and is a row of traditional Georgian terrace houses built in 1840. To the rear of the terrace lies Leazes House built in 1848 for John Henderson the carpet manufacturer and later became an independent day school for girls. Durham High School for Girls was originally founded in 1884 in Claypath and moved to Leazes House in 1910 when the school's governing body took over management of the school. Another school close by, the Bluecoat School was founded in 1780 by a local trader and began above a pub (Ye Bull's Head) in the corner of the Market Place. Bishop Barrington of Durham obtained permission from parliament to found schools in the Durham Diocese. He bought the site in Claypath now Bluecoat Buildings and Blue Coat Court, and built the new school in 1811, children were also taught in the Congregational Church school room opposite. The school was latter barracks in the First World War.

Modern Period (1900 to present)

North Road/Framwellgate

During the 20th century, significant changes to the extent of the urban area were driven by four issues; inner city slum clearance programmes, the suburban development of private housing estates, new road building and large new commercial developments. This resulted in the Medieval street pattern of Framwellgate being completely destroyed and major changes to the built form of North Road to make way for the new road building programme and associated works.

In the 1930's a large number of Framwellgate's and Milburngate's historic buildings and burgage plots were cleared as this area had largely degenerated into a multi occupancy slum. Part of the population was displaced to new public authority houses at 'New Durham' or Sunderland Road while others moved to the new suburban estates in Gilesgate and Gilesgate Moor.

The new through road was built in two stages from 1967 to 1975. This involved the demolition of housing around Framwellgate waterside, Castle Chare, beneath the Viaduct, Claypath, North Road and Gilesgate resulting in large areas of

cleared land released for redevelopment. It also sub divided the city and created a number of physical barriers such as between St Godric's area and Framwellgate waterside to the north, while to the south the new Leazes Road and roundabout subdivided the Market Place and Elvet from the Claypath area.

This significant development did however have a positive effect in removing some of the traffic from the remaining Medieval streets and resulted in the pedestrianisation and improved floorscape of the city centre carried out between 1975 and 1977.

It was during this period that commercial development increased and The Gates Shopping Centre, Millburngate House and the National Savings Office were built. The first phase of The Gates Shopping Centre was built in 1976 located adjacent the riverside and Framwellgate Bridge and linking into the lower end of North Road. It was later enlarged in 1987 when the second phase was built to provide an extension to the shopping mall, a multi storey car park and a large service yard. As part of the development pedestrian links to pathways and steps to the riverside were created with links to Millburngate House, Leazes Road and Milburngate Bridge and the route of the Medieval street was realigned.

Aykley Heads

Aykley Heads within the northern part of the character area was historically agricultural land belonging to the Crook Hall Estate. In the 1880s it became Aykley Heads pit, one of a few pits within the Framwellgate Colliery Site. The pit remained open until just after the First World War and then re-opened at a deeper level in 1934 to close again in 1949, making it the last working pit within the City limits. Associated with the pit were the nearby brick and tile works and gravel and clay pits. Engine Sheds and yard storage were located adjacent to the railway line in the late 19th century.

In the 1960s the land was reclaimed and landscaped to form the grounds around Durham County Hall and the creation of the Durham Light Infantry Museum and extended more recently into an art gallery complex. The plans to move the County Council to Aykley Heads rather than redevelop Old Elvet took place in 1963 when the new County Hall was built on the edge of Durham Bowl. This large 1960's block was prominent in the skyline rising up and becoming a dominant presence at the top of Framwellgate Peth. The Hall itself is just outside the conservation area but parts of the grounds are within the northern edge. The reclamation/planting of the land in 1970's has now matured into a remarkably subtle and intimate landscaped park, but it is probable that archaeological remains of the earlier pit survive.

The development of the County Hall site completed the loss Framwellgate's Medieval street pattern, as part of the work involved widening the top section of Framwellgate Peth above the railway line and continue the route straight down into the city centre. The dual carriageway joined the new roundabout at the bottom linking with the new A690 through road. The

cleared site on the corner was later developed as the Highgate housing scheme in the 1990's.

Claypath

As part of the celebrations for the Millennium a series of interlinked developments have taken place within Claypath and Walkergate in the last decade. The new Pennyferry Bridge became an effective link from the west side of the river to The Sands area. This suspension cable bridge built in 2002 has an elegant tower that is a key focal point along the riverside. The bridge is a vital link and enabled the Radisson Hotel to be built on the west side of the riverfront nearby.

Millennium Square is a series of large interrelated public buildings on the site of the former Carpet factory. The Gala theatre complex was completed in 2002, consisting of a large theatre with two cinema screens, the Clayport Library and other offices/shops located around a central square was also completed later that year. Walkergate below was the second phase of the redevelopment completed shortly after providing a mixture of uses, bars, restaurants and flats. At the lower level there is access to the multi storey car park and adjacent hotel accommodation.

To the north, Freemans Reach Swimming Pool and Sports Centre was built in 2008, a large contemporary sculptural building that relates well to the Sixth Form College adjacent, Walkergate to the south and The Sands car park. The Sixth Form College was originally Durham County School built in 1913, a mix of school buildings fronting onto the original Mill Race. In recent years the school buildings have been enclosed by a series of modern school classroom extensions and art centres. Directly to the southeast of this area, the former ice rink, original home to the Durham Wasps but vacant for some time, has been recently demolished to provide new office accommodation for the National Savings department.

During the 20th century Claypath remained largely unaltered but there were a number of large scaled developments in the area such as the prominent Nos. 13 - 17 Claypath, the Ruth First House, Claypath Court and the Telephone Exchange.

Within the east part of Claypath on the north side of the street in the Bakehouse Lane area, the former County Penitentiary was established in 1853 for the reformation of women of ill repute, became St Marys Home in 1951 and was still in use until it was acquired by the University as a Hall of Residence in the 1960s. In the mid-20th century there was a considerable amount of infill housing development including Kepier Heights and Hillcrest which were developed over the site of the former Chapel of Thomas the Martyr and cemetery, and Wear View and Kepier Court.

6 Archaeology

The whole of the Framwellgate Character Area has the potential to contain archaeology. This is particularly true of those areas closest to the River Wear and the core of the historic city where archaeology of high significance pertaining to the history of the urban settlement, industrial development as well as river crossings and use of the riverbanks can be expected. Activity in the last area, based on the analogy of similar sites elsewhere, could include prehistoric usage/occupation. Evidence of settlement from the early Medieval period onwards can be anticipated along the lower part of Framwellgate and North Road in the Old Borough area and throughout the entire portion of this character area to the north of Leazes Road taking in the area of the Bishop's Borough and the western end of the Borough of St. Giles. Here the remains of properties and property plots along Claypath/Gilesgate would be particularly significant.

7 Form and Layout

John Speeds plan of Durham, dated 1610, clearly shows the Market Place with a church on its northern boundary, alongside Clayport Gate, and the streets connecting to the Market Place which are now known as Silver Street, Claypath, and Elvet Bridge.

Framwellgate Bridge and Elvet Bridge are shown on Speeds plan and a number of the streets leading away are still discernible from Framwellgate and the historic route of Kings Street (now North Road).

The area only expanded significantly in the 19th century and then a large part of the original street pattern to the west of the city centre was completely destroyed in the 20th century; other parts to the east have largely remained intact.

The Medieval route of Sidegate which effectively marks the end of the Medieval city, joined the junction with Framwellgate Peth in the past and has remained in place despite the loss of the Medieval street pattern of the Framwellgate. The route sits quietly to the south of the railway line and is located adjacent to the new site of Framwellgate Well Head. It is a steep narrow distinctive lane of great character surrounded by tall stone walls and terrace houses fronting hard onto the street. Diamond Terrace looms above following the same alignment. The terraces are late Victorian constructed in 1897 and have two storeys with some modern infill and extension. The street name is thought to reference Queen Victoria's Diamond Jubilee of that year. The large detached building on the corner, possibly a former chapel, turns the corner with a modern 1980's frontage.

At the east end of Sidegate on the north side of the street is Bath Cottage, a former historic building shown on the 1860's maps but now unrecognisable and much modernised, it is a large property set on high land and within a large loosely

rectangular plot. Just beyond this the lane opens out to a council car park in the former quarry site.

Sidegate turns into Frankland Lane and continues along its original route heading eastwards parallel with the River Wear and adjacent the riverbanks; it is a straight clear route heading towards the open countryside, water treatment works and Newton Hall beyond. The cluster of buildings within Crook Hall feed off the lane via a long narrow drive running north. The first building visible is the L shaped Crook Hall farmhouse directly facing and adjacent the driveway, a prominent detached building in an L shape. Beyond this is the grouping of the Crook Hall itself and the associated buildings around a pleasant courtyard space. Crook Hall is a Medieval house overlooking a walled garden; immediately to the north of the main hall is the detached coach house and to the west is The North Barn with the Old Granary attached to the south.

To the south of Crook Hall there is large car park, the site of former terrace Victorian housing, the site slopes down and is enclosed by railings and hedges, it is situated adjacent the public garden entrance to Crook Hall. The well maintained garden and grounds and the new maze are visible from Frankland Lane and add to its visual quality, with the hedgerows screening the grounds effectively. To the west is the Riverside Centre building a simple modest contemporary building that sits quietly in the landscape grounds.

Heading southwest along Framwellgate waterside, at the junction with Sidegate and Frankland Lane there is a large incongruous substation at the bottom of the street. Adjacent to this site along the river at the former gas works is the Radisson Hotel. The hotel is a long linear building that gently curves and follows the river line. The building rises to five storeys with a glazed central atrium providing a central feature and forming the main entrance from the riverside

Forming part of the Millennium City Project, Pennyferry Bridge opposite was constructed in 2003 to provide an important link between the modern developments at Millennium Square and Walkergate and those on the opposite side of the river along Framwellgate waterside. This was sited on the narrow part of the river on the former location of the Pennyferry boat route. The suspension cable bridge has a tower that is a key focal point along the riverside. Continuing along this route is Millburngate House, the largest of the modern developments within this area. The office complex occupies a prominent riverside location and although fashionable at the time of its construction, the building, a collection of concrete frame slabs built over a broad podium, now appears tired and dated.

Between Millburngate House and The Gates Shopping Centre is Leases Road which runs east to west linking with the roundabout and the A690 inner city ring road and Framwellgate running northwards into Framwellgate Peth. Milburngate to the south is the only vehicular access point to this part of the riverside.

To the south of Leazes Road Bridge is The Gates Shopping Centre, built in two phases with a large frontage facing the river. Its external elevations have been designed to replicate the complex rooflines commonly found in the city and breaks up the mass of the single building to articulate what appears to be a series of smaller buildings. Its footprint follows the river to the east and the curvature of the roads to the north, south and west.

At the south end of Milburngate the road splits with Crossgate running westwards. Framwellgate Bridge heads east linking this part of the city to the Peninsula and North Road runs north westwards. North Road is an important street in providing the main entrance into the city from the North and being the route for the main public transport networks. The street is linear in form with a strong built up frontage broken in two instances, firstly by the steeply climbing cobbled terrace of Neville Street on the south side which joins up with Crossgate and Allergate; and on the north side by Station Bank which rises sharply to Tenter Terrace.

Reform Terrace is a small completely enclosed courtyard accessed via an archway in the street frontage. The buildings in North Road vary considerably with a mixture of both wide and narrow frontage properties, historic alongside modern infill developments, and several buildings of individual significance.

To the rear of Tenter Terrace is Castle Chare, the former historic route which has been severed yet still retains its sense of enclosure and historic floorscape. The short route curves gently alongside the A690 and provides a suitable setting for the magnificent St Godric's Church which rests on a raised mound contributing to its dominant presence over the city. Adjacent to the east of the church is the early 18th century St Godric's and St Anne's Court. This former convent is a visually prominent detached building overlooking Milburngate roundabout in a generous plot enclosed by high walls.

The current Durham railway station and the Viaduct are immediately to the north. The station sits on high ground adjacent to Windy Hill and is approached along Station Approach from the northern end of North Road. Due to the winding nature of the street, and the woodland enclosing it on either side, the Station itself is not apparent until reaching the brow of the steep hill.

The railway line cuts across the townscape and countryside in the Framwellgate area, severing Aykley Heads from the Crook Hall estate and cuts through the Victorian townscape and street pattern of North Road and Sutton Street. The dominating Viaduct and the hilltop location of the listed station buildings provides dramatic architecture here.

Wharton Park lies immediately to the rear of the north platform of Durham Station. The park is contained between the upper part of North Road on the west side and Framwellgate Peth on the east side the two streets merge to the north to create a triangular parcel of enclosed land, this

also marks the edge of the conservation area boundary. The park is approximately 4.3 hectares in size, and comprises the remains of Victorian and 20th century gardens and parkland. The most significant built feature of the park is The Battery, located to the southeast edge of the park. The Battery forms part of the mock fortifications and viewing platforms providing spectacular vistas of Durham Cathedral, and the Viaduct. The parkland is a varied mix of dense woodland and planting both within and to its periphery. There is a series of interconnected pathways that run around the edge of the site and through the park. The gardens are terraced to deal with the terrain with pathways and steps providing good access to the individual facilities. The pathways and two access roads provide connections with North Road and the Station. The Park also includes a variety of interconnected spaces such as a large green elevated space of open lawn used as a seating area, a play area, a steel framed stage area, and sloping banks of grass leading down to the flat basketball court below.

Directly to the north of Wharton Park is St Cuthbert's Church and churchyard which has significant presence within the streetscene. The parish church dates from 1858-63, it is a long linear building facing North Road where the listed lychgate provide access and create a landmark feature.

The churchyard enclosed by stone walls, is set on high land and extends southwards where it adjoins Wharton Park and links into the Grey Tower, a former lodge. The Tower is a stand-alone listed building that is a distinctive feature within the streetscape.

To the north are Aykley Heads and its associated landscaped grounds including some historic elements such as the hedges, mature trees, and surrounding farmland. The site incorporates a series of pathways linking dense woodland, open grassland and landscaped grounds and features a linear lake and stream.

The Durham Light Infantry Museum building lies within the northern part of the site overlooking the lake and sits quietly in this setting. The contemporary building's large compact built form and uncompromising appearance neither dominates nor detracts from the surrounding landscape.

Within the eastern sector of the character area the principle street is Claypath, a broad, steep linear street lined with tightly packed Georgian and Victorian properties. It has a strong curving building line with the buildings directly onto the pavement giving rise to a solid street frontage. This is interrupted by only one major area of public open space to the front of The Chains, just outside the Framwellgate character area. Claypath is similar in character and form to Gilesgate, with buildings located on typically dense burgage plots. The street is mixed use with a strong commercial element, and the built form is also varied with a mixture of Victorian, 1960's, late 20th century pastiche and contemporary architecture.

Towards the northern end of Claypath the properties are domestic in nature with two storey Georgian cottages with wider frontages, adjacent to taller Victorian properties with narrow frontages, and rooflines cascading down the hill.

The southern end of Claypath is characterised by a series of interlinked developments descending to the riverbanks built in the last decade. These include the Gala Theatre, Clayport Library, Freemans Quay, the Premier Inn Hotel and Freemans Reach Leisure Centre.

The Walkergate development overlooks the river but has a significant presence within Claypath. This mixed use development is linked by a system of public spaces. The Gala Theatre is a visual focal point and the other buildings are grouped around the central square, with individual pods on the lower terrace level. Steps give access down to Freemans Place where the Hotel stands at the corner road junction and beyond is the leisure centre.

To the east of Claypath on the south side is Leazes Place, a fine example of Georgian style with symmetrical frontages and architectural rhythm. Adjacent are the contemporary town houses in the grounds of Leazes House, which sit far enough away to avoid conflict with the grandeur of this large Victorian villa.

Running parallel to Leazes Place is Ravensworth Terrace, a steep incline of tall Victorian terraces climbing up from Leazes Road forming part of the enclosure to Tinkler's Lane, a narrow enclosed historic vennel. Ravensworth Terrace retains a large number of historic features.

To the north of Claypath are a series of Victorian terraces around Providence Row, and concentrated post-war housing developments that have taken place on the hillside between Gilesgate and the River Wear. The domestic Victorian terraced streets in Providence Row, Wanless Terrace and Finney Terrace create an repetitive architectural rhythm built on a grid system where the back lanes and yards provide a distinctive built form. Beyond this area is the modern suburban infill of slightly contrasting character, post war 1950's council flat blocks, detached suburban low density bungalows centred on generous cul-de-sacs, and more noteworthy modern terrace townhouses in Kepier Heights.

Below this the River Wear floodplain creates its own open space. The openness of The Sands, the riverbanks and St Nicholas cemetery provide a long linear corridor of green space that provides a very scenic setting to the river and the adjacent housing developments close by.

8 Sub-area division

The Framwellgate Character Area has been divided into five sub-character areas, to assist in defining the detailed features that contribute to the wider character area's special interest and significance. These sub-areas share some common themes and consistent elements but the assessment process has identified them as having a degree of individual character in themselves. There are some instances for example, where buildings of a similar style, scale and period are located in different sub-areas but the overriding character alters as a result of the streets and spaces they define. There are also sub-areas where some over-lapping occurs as some streets may contribute to the historical and physical context of more than one sub-area.

The following sub-areas have been defined as part of the appraisal assessment process:

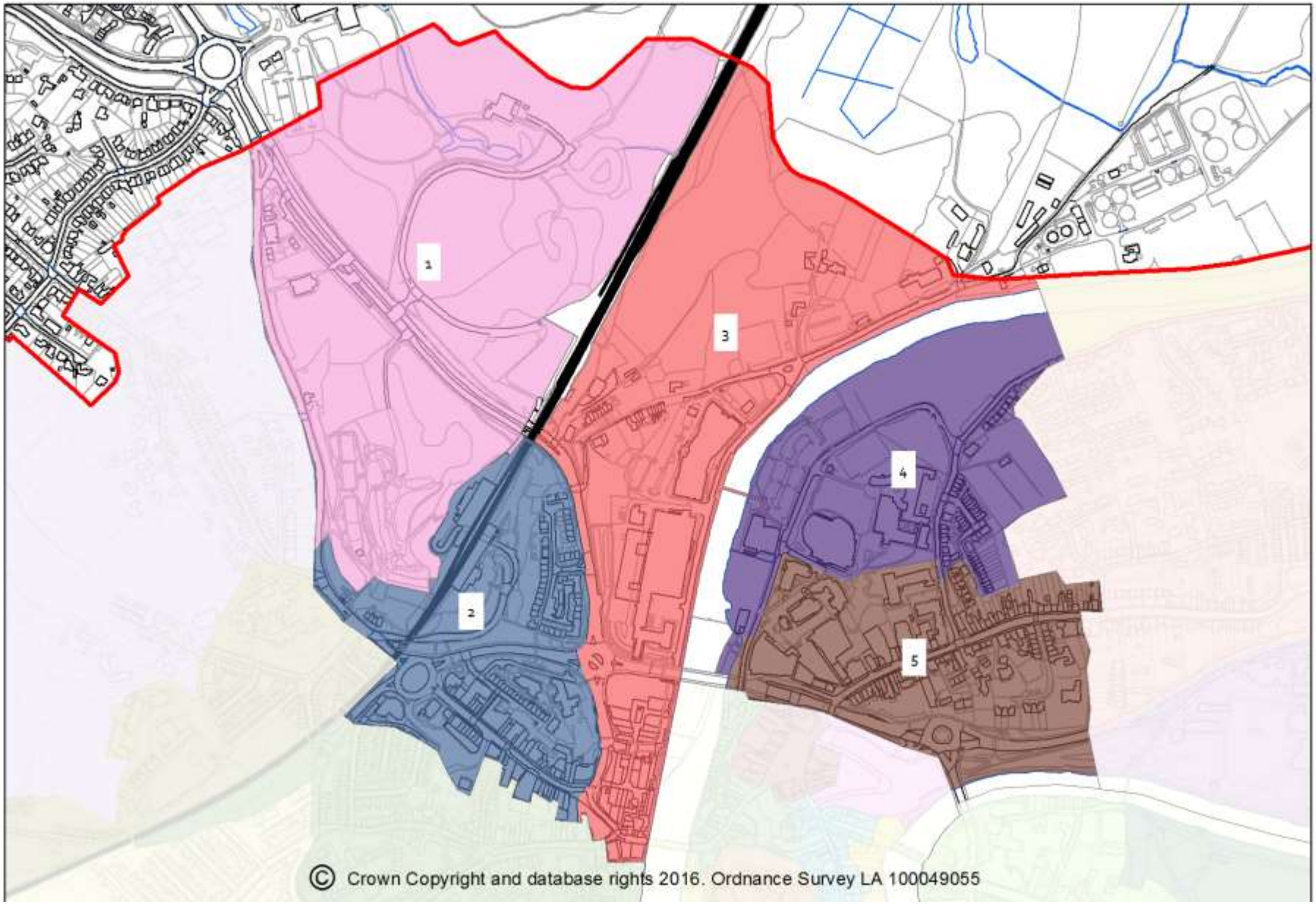
1 Aykley Heads (including DLI, Framwellgate Peth, upper North Road and Wharton Park);

2 North Road (including High Gate and St Godric's);

3 Milburngate (Sidegate, Crook Hall, Riverside);

4 The Sands/Riverside (including Freemans Quay);

5 Claypath (including Millennium Place, Leazes Place, Hillcrest and Bakehouse Lane)



Map 5 Framwellgate character sub-areas

2 Sub-Area Character Assessments

Sub Character Area 1 - Aykley Heads

1 Location and Boundary Description

The Aykley Heads sub character area forms the rural fringe of the northwest part of the conservation area and is the largest part of the Framwellgate Character Area. The area comprises of three main elements; Wharton Park, St Cuthbert's Road Area and Aykley Heads/ DLI Museum. It also notably includes the city's only public park, Wharton Park, and the Grade II listed Church of St Cuthbert's and its associated churchyard. The boundary of the area is well defined by the upper part of North Road to the west, the railway line to the south and the grounds of the DLI Museum to the north and east. The area's principal streets are North Road and Framwellgate Peth, both of which lead directly into the city centre passing under the Viaduct at the bottom of the streets.

2 Setting

The mature tree cover in and around St Leonards School, along North Road and at the woodland in Western Hill and Flass Vale provide a green setting to the western part of the sub-area. The undulating slopes of Aykley Heads landscaped grounds provide the setting to the north of the sub-area. The slopes, covered with trees, scrub vegetation and open grassland, form part of the lower reaches of the Durham Bowl and create a natural backdrop to the character area.

The East Coast railway line and Durham Station provide an abrupt setting to the southern boundary, whilst the grounds of Crook Hall and the riverbanks provide an informal setting at a lower level, leading to a change in terrain and openness of the floodplain below.



Image 4 Views from and around County Hall, Aykley Heads

3 Form and Layout

Wharton Park

Wharton Park is approximately 4.3 hectares in size, and is tightly bounded by St Cuthbert's churchyard to the north, Framwellgate Peth to the east, the station buildings to the southeast, railway lines to the south and southwest, and North Road to the west. The most significant built feature of the park is the Battery located to the southeast edge of the park, linked via a narrow walkway and by a set of eight stone steps to the parkland.

The parkland is a varied mix of dense woodland and planting adjacent to the periphery of the park. The hedges, shrub planting and stone supporting walls alongside many of the level changes within the park are supplemented by open grassed areas and groups of mature trees.

The oldest most significant trees within the park are the beech trees along North Road that generate a scenic green corridor route into the city centre. The remainder of the other trees are largely as a result of planting in the second half of the 20th century.

Within Wharton Park there is a series of interconnected pathways that run around the edge and through the park linking the separate spaces effectively. The pathways are terraced and steep sloping, and steps provide access to the individual facilities, and connections with North Road, Framwellgate Peth and the station. Vehicular access into the site is via two access roads.



Image 5 View of World Heritage Site and around Wharton Park

St Cuthbert's Church

To the north of Wharton Park the road junction of North Road and Framwellgate Peth creates a triangular space which contains St Cuthbert's Church and churchyard in the centre, and on its northern edge the Garden House public house, and St Leonards and St Cuthbert's Place. The parish church is a long linear building with its main frontage facing North Road. The open churchyard extends southwards towards the hill to Wharton Park.

St. Cuthbert's churchyard is extensive, features trees and plants on all boundaries and is surrounded by historic stone walls to the road frontages. The stone walls contribute significantly to the townscape here.

North Road itself is a linear curving street that is enclosed by buildings, walls and a dense canopy of trees from St Leonards School, Wharton Park and St Cuthbert's churchyard. The walls are distinctive features and the stone walls of St Cuthbert's link into the Grey Tower walls and Wharton Park's boundary walls. Grey Tower is a three storey sandstone building featuring castellated parapets and is Grade II listed.

The stone walls continue in front of St Leonards which has two pairs of semi-detached houses. The adjacent Garden House public house has a larger long linear plot and frontage to North Road with an open forecourt, and open car park to the rear. Adjacent to this is the short interwar terrace of St Cuthbert's Place with prominent gables turning the corner at the busy road junction, and making a positive contribution to the streetscene.



Image 6 View towards County Hall and St Cuthbert's churchyard

Aykley Heads and the Durham Light Infantry Museum and Art Gallery (DLI)

The largest section of land in this sub-area is that of Aykley Heads and its associated grounds lying between the railway line to east, Framwellgate Peth to the west and the DLI Museum and Arts Centre.

Framwellgate Peth is one of the main routes into Durham City; it is partly enclosed by tree cover that frames views into the city, and narrows at the railway bridge that marks the boundary of this sub-area. The road is steep and a flagged pavement develops into a more informal path which runs parallel to the main road. There is a vehicular access point mid-way to the DLI Museum car parks and Aykley Head's landscaped grounds.

Aykley Heads consists of a mixture of landscapes including undulating open parkland, areas of denser woodland and open grassed area, with playing fields next to the road side, linked by a network of footpaths. The DLI building is positioned within the centre of the site overlooking the ponds and the site also contains a car park which is well screened by surrounding tree cover.



Image 7 Road network, parkland and the entrance to the DLI Museum

4 Architectural Character

Wharton Park

Within Wharton Park the Grade II listed Battery features a retaining wall constructed in squared sandstone with ashlar parapets, there are two platforms linked by walkways. The castellated parapets are prominent, stepped at the left turret, with corbelled walkways and chamfered copings.

Within the park itself there are a series of important interconnected stone walls that support the terraces, separate the spaces, and provide enclosed boundaries. The amphitheatre is a key feature.

St Cuthbert's Church

St Cuthbert's Church dates from 1858-63 by E.R Robson, it is constructed from coursed squared sandstone with ashlar plinth and dressings and features a dark slate roof with diaper patterns in light slate and three stage tower with belfry openings. There is a square stair turret and conical stone roof. The Church is in the English style with French influences and has a number of openings demonstrating this. Details include slit openings, large wheel windows over 3 lancets, aisled windows, and lancet foiled roundels and cusped lancets under quatrefoils. The lychgate west of the Church is actually a war memorial dated 1918, constructed in coursed square sandstone, with a timber upper section and steeply pitch slate roof with swept eaves.



Image 8 The Battery Wharton Park prior to restoration works in 2015

The lychgate has chamfered copings to the stepped walls of the gateway and a wood panelled upper part that supports the two centred arch. There are ornately carved bargeboards, wood gates carved up at the sides and wooden benches. The stone walls attached to the frontage and rear of the church are significant features and protected as part of the listed status of the church.

The properties adjacent to St Leonards are simple post war semi-detached dwellings which are utilitarian in design, simple and basic in form, built from red brick with render and fake half applied timbering, below a tiled roof.

St Cuthbert's Place has three terraced interwar houses that are dual fronted facing both North Road and Framwellgate Peth. The houses are of a simple design with prominent gable frontages and clay tiled roofs and overhanging eaves. Each frontage is in red brick and painted dash render. Original timber mullioned casement windows and timber panelled doors have been replaced with modern units.

The Garden House public house is a landmark building that dates back to the early 19th century, but has been altered and extended over the years. It has a long linear frontage in white painted pebble dash and a series of slate roofs with prominent tall rendered chimneys. The series of first floor sliding sash windows and the symmetrical pattern of bay and arched entrance is notable. At the rear there is a large extended modern timber conservatory, but the roofline and scale has been carefully broken up.



Image 9 St Cuthbert's Church and lychgate



Image 10 Domestic properties along North Road



Image 11 The Garden House Inn and listed Grey Tower

The Grey Tower is a Grade II listed lodge built in the late c18/early 19th century, possibly incorporating an earlier house. It is constructed in coursed square sandstone with ashlar plinth and dressing. It is an L shaped three storey tower, with 2 centred arched heads to partly glazed ledged boarded door. Slit windows feature on each floor above, and there are corbelled and castellated parapets. Two light casements with stone sills and heads are features to the left and there are two bays under the projecting castellated parapet. A small single storey extension is visible in the streetscene and an inserted bow window.

Aykley Heads and the Durham Light Infantry Museum and grounds (DLI)

Durham Light Infantry Museum was built in 1964-8 by Tarren and Caller designed as a dark glass box on a slender concrete frame with the top storey art gallery, offices and round ended stair tower, all in white aggregate cladding. The museum was originally a sophisticated cuboid design, but more recent art gallery extensions and the circular ground floor refectory have added to the original design concept.

County Hall nearby was designed by G.R Clayton and completed by G.W Gelson 1960-1963 is a post war six storey L shaped building. It is a fairly bulky building with 1950's mannerisms, built with a sandstone facing and mosaic panels. Although outside the conservation area boundary it is within its setting and is considered to be a non-designated heritage asset.



Image 12 DLI Museum and County Hall

5 Important Buildings

Listed Buildings

There are four statutorily listed buildings in this sub character area, see full details in Appendix 1. These are recognised by Central Government as being of special architectural or historic interest as defined by the Planning (Listed Buildings and Conservation Areas) Act 1990. Listing is made at three levels of importance Grade I the most important, Grade II* and Grade II. The protection afforded by this legislation applies to the whole of the listed building including the interior and any structure attached to it and land within its curtilage. Listed Building Consent is required for any demolition, extension or alterations which may affect its special interest.

Buildings Name	*Grade*
Church of St Cuthbert	II
lychgate west of Church of St Cuthbert	II
The Grey Tower	II
The Battery in Wharton Park	II

Scheduled Monument

A scheduled monument is a nationally important historic structure or archaeological site, either above or below ground, which has been given legal protection by being placed on the national heritage list. Within this sub-area there no scheduled monuments.

Non-designated heritage assets

In addition to the listed buildings above, a number of other buildings and structures combine add to the areas unique built heritage. While not possessing sufficient interest to be listed as of national importance, such buildings add to the general architectural richness and character of the area and it will be important that careful consideration is given to any development proposals that are likely to affect such buildings.

The following buildings are not statutory listed but do make a positive contribution to the character and appearance of the conservation area, and through the planning process could be identified as non-designated heritage assets. There will be a presumption in favour of preservation of any of these buildings without clear justification for their loss in accordance with national planning policy. The omission of any particular building should not be taken to imply that it is of no interest.

Building name

Garden House public house
County Hall
DLI Museum
Amphitheatre and walls, Wharton Park



Image 13 St Cuthberts Place, St Cuthbert's Church and Wharton Park Battery

6 Building Materials, Detailing and Features

There are a variety of different styles and ages of properties in this sub-area ranging from the simple interwar architecture of the terraced houses at St Cuthbert's Place in North Road, to the impressive Victorian/Early English Style of St Cuthbert Church, to the 1960's concrete cuboid block of the DLI Museum that sits so well in the landscape.

Walls /facades

Wharton Park Battery is constructed in squared sandstone with ashlar parapets, there are two platforms linked by walk ways (see Image 13 bottom right). Throughout the park there are important coursed rubble sandstone walls linking spaces and routes together and providing supporting walls to the terraces. The walls to the amphitheatre are probably the most dramatic, enclosing the semi-circular embankments/seating area and providing appropriate setting for the partly covered stage.

A flat roofed toilet block of buff brick and white rendered walls stands adjacent the steps and entrance. The Grey Tower is built from coursed square sandstone with ashlar plinth and dressings.

Durham Light Infantry Museum was built in 1964-8 as a dark glass box on a slender concrete frame and clasp panelling, after recent extensions and adaptions the building is in stone aggregate cladding. Close by, County Hall has sandstone facing and mosaic panels.

To the west of Framwellgate Peth St Cuthbert's Church is constructed in coursed squared sandstone with ashlar plinth and dressings (Image 13 bottom left). The listed lychgate to the west of the Church is a war memorial constructed in coursed square sandstone, with a timber upper section. It has chamfered copings to stepped walls canted forward, and to the side walls of the gateway there are wood panelled upper sections that support the two centred arch. Adjacent to the Church at St Leonard's the simple semi-detached properties are constructed in red brick, pebbledashed painted render with a half applied timbering.

Close by at St Cuthbert's Place there is a terrace of interwar houses that are dual fronted with prominent gable frontages in red brick and painted dash render (Image 13 top). The Garden House public house's long linear frontage is in white painted pebble dash with an extended timber conservatory to the rear.

Roofs

St Cuthbert's Church features a dark slate roof with diaper patterns in light slate and three stage towers with belfry openings, there is a square stair turret and conical stone roof over the apse and a saddleback roof. The lychgate to the west of the Church has a timber upper section and steeply pitched slate roof with swept eaves. It has a wood panelled upper part that supports the two centred arch and there are carved bargeboards. The semi-detached properties at St Leonards have simple tiled roofs, whereas the properties at St Cuthbert's Place have clay tiled roofs with brick chimneys, overhanging eaves and a bargeboard. The Garden House public house next door has a series of slate roofs with prominent tall rendered chimneys. Further down North Road, the Grey Tower has battlemented parapets hiding a lead roof; it also has a flat-roofed extension. At the Durham Light Infantry Museum the flat roof cuboid shape is concealed from view but likely to be covered with felt.

Rainwater Goods

Many of the properties in this area surprisingly still retain their black painted cast iron rainwater goods, with hopper heads and spiked brackets. There are occasional gutters in St Leonards that have been replaced with modern plastic guttering. This has a negative impact on some of the facades especially where uPVC has faded with age and been attached to modern bargeboards / new brackets. The listed properties at St Cuthbert's and The Grey Tower retain their elaborate black painted cast iron rainwater goods, guttering of different shapes and profile with ornate hopper heads and spiked brackets or stone support brackets.

Joinery, windows and doors

St Cuthbert's Church has a number of openings; slit openings, large wheel windows over three lancets separated by buttresses, aisled windows and lancet foiled roundels and cusped lancets under quatrefoils.



Image 14 Garden House Inn and St Cuthbert's Place

The lychgate west of the church features a timber upper section and has carved bargeboards, wooden gates carved up at the sides and wooden benches.

At St Leonards the metal casement openings have been replaced by uPVC, and at St Cuthbert's Place the original timber mullioned small glass paned casement windows and timber panelled and glazed doors have mainly been replaced with modern openings, although there are some original examples left. The Garden House public house has a series of first floor original sash sliding windows, on the ground floor there is a symmetrical pattern of bays and an arched entranced, with panel and half panelled glazed doors.

The Grey Tower has two centred arched head windows to either side of a partly glazed ledged boarded door in double chamfered surrounds under drip mould. The Tower has slit windows on each floor above, and there are 2 light casements with stone sills and heads to the left and two bays under the projecting battlement parapet. There is a single storey side extension and inserted bow window.

Durham Light Infantry Museum has been extended with a solid stone aggregate cladding resulting in the removal of the dark reflective glazing. The refectory offshoot at the side is a fully glazed circular construction.

7 Boundaries and Means of Enclosure

The high stone walls to Wharton Park along North Road are a key feature in the streetscene and provide a sense of enclosure to this busy route into the city (see Image 15 top row). There are visual breaks at the entrances into the park such as the vehicular entrance and stone steps with stone piers and wrought iron locked gates. The boundary to the park on the southern side consists of a wooded environment adjacent to the Viaduct.

Along the station boundary the dense tree planting provides ample cover for wildlife with steep slopes discouraging human disturbance. Towards the railway bridge, this planting is more of a scrub thicket as the canopy is more open here.

Along Framwellgate Peth the frontages to the park continue to be quite rural in appearance, with steep embankments with wooden margins and dense under storey planting. The vehicular access opening with arched steel entrance structure completes the park's eastern frontage (see Image 16 left) From there the northern boundary to the churchyard is an informal low fence with trees and hedges that provides wide open views in both directions. Within the park itself there are a series of interconnected stone walls that separate the spaces and provide enclosed boundaries.



Image 15 High stone walls, modern verge fencing and low wall to churchyard



Image 16 Entrance to Wharton Park and view towards the Grey Tower



Image 17 Hedge along the Peth, open space at DLI entrance and railway bridge

The stone walls in North Road extend to and include the boundary walls of The Grey Tower providing a robust solid frontage (see Image 16 right). The stone walls continue along St Cuthbert's Church boundary which has a listed lychgate that provides welcome views of the church entrance. The walls continue beyond the church boundary in front of St Leonard's semi-detached houses. A partly open forecourt exists to the front of the Garden House while St Cuthbert's Place low walls and garage side walls front onto the busy junction where North Road and Framwellgate Peth meet. A linear finger of grass verges with trees run from this junction and extends into the whole length of the Peth. To the rear of these houses there are hedge/fence boundaries, the Garden House has a large open car park, while St Cuthbert's Church has important historic stone walls and piers (see Image 15 bottom right).

At Aykley Heads the northern boundary to County Hall is fairly open, with sweeping lawns and landscaped grounds broken up by narrow belts of tree planting framing open vistas. On the east side of Framwellgate Peth, County Hall's low wall and beech hedge boundary extends to a dense hedge adjacent to St Leonards playing fields (see Image 17 top). The vehicular entrance to the DLI Museum with grass verges breaks up the sense of enclosure here (see Image 17 middle), however further down the cutting to the south there are steep slopes and dense tree cover and self-seeded planting. This continues to the railway bridge and along the railway line to provide an effective boundary to the station car park (Image 17 bottom).

Adjacent to the station car park the boundary becomes more formal with fencing/barriers, before continuing to become more rural in nature. The eastern boundary to Aykley Head's site is a mixture of dense tree planting and scrub vegetation; it is more open in some places where there were previous industrial activities such as gravel extraction. The boundary follows belts of broadleaved tree planting to the rear of the DLI leading to County Hall.



Image 18 Views around Wharton Park

8 Open Spaces and Trees

Wharton Park is considered to be an important component of the green space to the north of Durham City and as such is included within an Area of High Landscape Value which encircles much of the city, being broken only by the ribbons of development to the north (Western Hill) and east (Gilesgate). The park itself has strong visual continuity/links with the green spaces surrounding County Hall and the DLI Museum to the east and Flass Vale to the west.

The park has a number of significant and unique landscapes and built features. The most prominent is The Battery mock fortifications within the parkland, a decorative Victorian folly. The parkland is a varied mix of dense woodland and planting alongside the Viaduct and periphery of the park, with the creation of hedges and shrub planting alongside many of the level changes within the park itself, supplemented by open grassed areas and groups of mature trees. The oldest and most significant trees within the park are the beech trees along North Road that form a most scenic route into the city. The remainder of the other trees are largely as a result of planting in the second half of the 20th century.

The shadowy canopy of the mature trees along the western boundary provides a wildlife habitat. The wooded environment alongside the Viaduct is denser where planting and self-seeding has created a more uniform ground flora dominated by ivy. Along the station boundary the south dense tree planting again provides cover for wildlife with the steep slopes again discouraging human disturbance. Towards the railway bridge, this planting forms more of a scrub thicket as the canopy has been opened up following gravel extraction and ground disturbance. The widest wooded margin is to be found on the slopes alongside Framwellgate Peth where more of an under storey has developed.

Some of these trees are over mature and showing signs of disease with a proportion needing to be felled within the next 40 years. Some older trees also exist around the Battery and the bastions and near the Amphitheatre including beech, holly and lime. The remainder of the other trees are largely as a result of planting in the second half of the 20th century. These include the embankment adjacent to Framwellgate Peth, the lime avenue on the access road and various specimen trees throughout the park. One tree of particular significance is the commemorative oak tree planted in 1863 to mark the Wedding of the Prince of Wales to Alexandra of Denmark, found adjacent to the statue of Albert the Good.

The pathways throughout the parkland link the terraced spaces effectively. At the top of Windy Hill is the large green elevated space of open lawns surrounded by trees and bulb planting and seating area. Adjacent to this is the play area consisting of a large green space with a cluster of play equipment in different styles and condition from traditional slides and swings to modern climbing frames.

To the west of this area, in the terrace just below is the Amphitheatre, the stage area fronts onto grassed banks providing seating at the different levels, stepped down to the tarmac surfacing semi-circular space below. Sloping banks of grass, bulb panting and trees lead to the flat basketball court surrounded by blue netting below (this was the former tennis court site). Close by is the car racing track in tarmac. The former linear conservatory adjacent has been demolished leaving a blank space that is surrounded by flower beds. This area sits raised above the main access route and overlooks the manicured pitch and putting lawn below.

St Cuthbert's Church churchyard has significant presence in the streetscene. The churchyard extends southwards from the church where it adjoins Wharton Park, it has a variety of stone and marble gravestones, with trees and wildlife areas on the boundaries.

Although private, the gardens at The Grey Tower are visible and significant features along North Road, these are terraced extending up the steep embankment to the ridge where Wharton Park sits. There are other incidental spaces of note including the corner plot at the road junction at St Cuthbert's Place. This makes a positive addition to the streetscene, and in front of the terrace itself is a small slither of green space with trees, seating and granite sett edge paving.



Image 19 St Cuthbert's churchyard

Aykley Heads is a very important space which makes a valuable contribution to the conservation area. It comprises of undulating parkland, open lawns, woodland belts, water features and retains some features (hedges, mature trees) of the former farmland. The space comprises of belts of broadleaved trees on the slopes and sweeping grassland on lower slopes with a series of path ways linking up the various spaces within the site. These landscaped grounds were designed to enhance the setting of Durham County Hall and the DLI Museum. Adjacent is the flat playing field, part of St Leonard's school used for track and field, football etc.



Image 20 Parkland and playing fields around Aykley Heads

9 Views and Vistas

From the top of the Battery at Wharton Park there are outstanding historic views of Durham Cathedral and the City below. The 19th Century philosopher John Ruskin described the spectacular views from the battlements of Durham Cathedral, Durham Castle, and the railway Viaduct and over the City as the 'Eighth Wonder of the World'. The panoramic views include the Viaduct and station in the foreground which is a considerable attraction for residents and visitors. Other viewing points within the Park are from the partly enclosed lawns and seating area at the top of the park. This provides stunning glimpsed views through the trees of the Cathedral, the sculpture of 'the Way' also provides enclosed views in this direction. Looking to the east there are views out to the open countryside and Penshaw Monument, while to the west and north there are notable views above the tree line of the Obelisk and St Cuthbert's church tower. From the top of the amphitheatre there are important mid-distant views out towards the Viaduct and across the city roofscape.

In North Road the Grey Tower and St Cuthbert Church provide significant focal and viewpoints. The stone boundary walls and overhanging trees to Wharton Park and St Leonard's School help to provide inviting unfolding enclosed views of the Viaduct and the Cathedral, quite a rewarding entrance into the city. Framwellgate Peth additionally provides unfolding enclosed views of the Cathedral as you enter the city, although these are most visible from the bottom section of the Peth.

From Aykley Heads there is a series of views, from the southern edge of the grounds to County Hall. At the elevated seating area you gain fine open views of the Cathedral framed by the effective tree and vegetation cover. Views across the informal parkland to the DLI and the lakeland setting are also noteworthy. To the south of this from on top of the mound the former panoramic views of the city have slowly disappeared as scrub vegetation and trees have taken over this space, but views above the tree line of the Cathedral tower and the pinnacles are worth noting. To the west there are scenic views of the tree cover towards Flass Vale with the tower of St Cuthbert's Church and the Obelisk rising high in the foreground. Looking northwards is the strident tower of County Hall rising above the landscaped grounds, a notable landmark set into the slopes of the Durham Bowl.



Image 21 Impressive views across the city from Wharton Park



10 Activity

This area includes only a small handful of buildings consequently the predominant land use is recreational and educational centred on Wharton Park, Aykley Heads and DLI Museum. The Aykley Heads site is a surprising space, quite well concealed, and reasonable in size. It is an important area of green open space, consisting of belts of trees, scrubland and long swathes of grassland that form part of the former Aykley Heads Estate and the lower section/edge of County Hall grounds. The open space is used by dog walkers, local residents, County Hall employees and the odd visitor. One of the main attractions are the open views of the Cathedral and city from key viewing points in the grounds. The regimental museum of the Durham Light Infantry, the attached art gallery and café extension are visitor attractions. It is a meeting place all year round, for families, tourists, general visitors, schools and special interest groups.

St Leonards School grounds extend across to the east side of Framwellgate Peth. There is a large flat playing field pitch, used for a number of activities including, track and field and hockey. The school field can be a hive of activity in term time, out of term it is quiet and peaceful. Student movement between the school and the playing field has been improved in recent year's pedestrian crossings. Adjacent the busy main road Framwellgate Peth is a busy cycle path and separate pedestrian pathway that links up with an effective network of routes to the riverbanks.

In the triangular space at the busy road junction with North Road are St Leonards and St Cuthbert Place houses, and the Garden House public house, a busy pub/restaurant and hotel with a large car park at the rear. In the area to the south is the listed St Cuthbert Church, which has a busy active congregation.

Wharton Park offers a number of facilities and is fairly busy and provides a recreational space for local residents and visitors to relax and walk and enjoy views of the city.

Within the top section of the park next to the car park is the play area used by children of all ages. The seating areas adjacent provide a useful meeting point. At the bottom section of the park close to the now demolished park keepers house are more play facilities, a small pitch and putt on the immaculate lawn near the entrance and the enclose basketball all weather pitch that replaced the two former tennis courts. These areas are well used by older children, especially in the summer months. To the west of this is the amphitheatre in the centre of the site but it is rarely used partly due to its rundown state.

11 Public Realm

Within Aykley Heads there are gravel pathways linking up with concrete steps meandering round the grassed central open spaces and the DLI Museum. There are well designed stone seats in the open elevated grass space in front of County Hall and park benches and picnic benches outside the DLI overlooking the lake. There are modern stainless steel bollards and railings near the entrance to the Museum. Signage and lighting here is fairly low key and limited.



Image 22 Foot paths around Aykley Heads

There are memorial trees within the grassland fronting County Hall. In woodland paths to the south there are dirt and chipping surfacing and wood chippings paths. The mound to the south of the DLI access points have birdsmouth fencing and informal grass routes to the viewing point and information boards located on the top. The car parks to the rear of the DLI and the station car park are in tarmac, with tarmac pavements. There are low key painted green barriers and lighting to the DLI Museum while the station car park has a mixture of uncoordinated galvanised bollards, barriers, signage, security cameras and modern lighting columns that rather detracts from the northern entrance.

Pathways down Framwellgate Peth are in rectangular flags but change to tarmac at the traffic lights, the tarmac surfacing passes through the wooded cutting. There are demarcation lines that indicate the different cycling and pedestrian routes. Before you reach the Wharton Path entrance on the opposite side there is a narrow tarmac road and parking and grass verges that runs parallel with the new main carriageway in distinctive red chippings. Pedestrian crossing traffic lights and signage adjacent the Garden House and the tall lighting columns add to general scene. North Road rectangular concrete flags, red tarmac chippings in the carriageway. The parking meters, signage and lighting add to ambience. Seating opposite St Leonards School needs replacing; the granite sett edging is of note though.

Within Wharton Park the pathways are covered with mixed surfacing, generally tarmac patched in places with the odd pot hole, there are areas of York stone in the steps and adjacent the battlements, and concrete steps have been introduced down to the station entrance. The two access roads into the site are in tarmac as well as the turning area and parking spaces.





Image 23 Wharton Park

Street furniture consists of an assortment of interconnected styles, varied in design, material and colour. There is a huge variety of seats within the park, especially at the top of the hill with the different memorial seats. The litter bins, railings and bollards within the park are also a mixture of design, constructed in cast iron, steel or plastic, some are painted black or green while others are galvanised. Signage and lighting within the site and at the entrances is varied.









Image 24 Wharton Park wide variation in seating

Metal gates, railings and archway openings at the access points vary from cast iron decorative traditional designs to cruder rolled steel fabrications. The play equipment in the play area is a conglomeration of styles, traditional slides and swings to modern climbing frames. The timber roundabout dating back to the 1950's has recently been removed.

The surfacing is still in grass and timber chippings. Within the basketball court the blue netting and blue backboard with attached hoops are a bright colourful addition, the surfacing is in black tarmac. Close by to this is the car racing track in tarmac with added street markings, this is in variable condition. Finally to the rear of this is the Amphitheatre, the stage area is of an elaborate steel framed construction while the grassed banks providing seating at the different levels and tarmac surfacing semi-circular space below.

12 General Condition

The Aykley Heads site has a good pathway network that is generally in excellent condition, there are smooth gravel pathways linking up with concrete steps meandering round the central open grassed spaces and the DLI Museum. The seating areas with stone seats in front of County Hall and park benches and picnic benches outside the DLI are in good order although the odd litter bin would help. The building itself in recent years has been extended and is in good condition as are the modern stainless steel bollards and railings near the entrance and the Museum signage and lighting. The woodland paths to the south are in variable condition, the informal dirt and chipping surfacing and sometimes wood chippings paths can be quite wet and muddy in places. At the mound to the south of the DLI, the birdsmouth fencing and pathways are in good condition and the isolated information board has not been vandalised.

The car parks to the rear of the DLI and the station car park are in reasonable condition the tarmac has been patched up in places. The DLI car park has low key painted green barriers and lighting in good order while the station car park has a mixture of uncoordinated street furniture that rather detracts from the area.

The flagged pathways down Framwellgate Peth are in good condition, the tarmac passing through the wooded cutting on the west side has been recently laid. Tarmac pavements adjacent to the Wharton Path entrance and the Garden House public house and the carriageway adjacent in distinctive red chippings are in reasonable condition. The new pedestrian crossing, traffic lights and signage, and street furniture are well maintained. The concrete flags and red tarmac chippings is in good order in North Road and the lighting column's provide a good first impression (the seating opposite St Leonard's School however needs replacing).

The Garden House public house and the nearby interwar and post war housing are well cared for and in good order. The Garden House has been recently refurbished and tastefully

repainted. Further down North Road the Grey Tower frontage appears to need some attention to the localised weathering of the stonework. Likewise, the high stone boundary walls and the gateway entrances to Wharton Park are in need of some significant works; with walls bulging in places, displacement of stonework due to tree roots to the rear in addition to repointing and stone replacement being required.

Within Wharton Park surfacing is in varying condition, generally the tarmac is patched in places with the odd pot hole, there are areas of Yorkstone in the steps and adjacent the battlements, the amphitheatre is in need of repair. New concrete steps introduced within the site look incongruous and need replacing. The two access roads, turning area and parking spaces are generally in deteriorating condition. Street furniture consists of an assortment of interconnected styles, varied in design and condition. Signage within the site and at the entrances is varied and poor quality while lighting is inadequate or out of order. Metal gates, railings and archway openings at the access points need to be repainted, repaired or replaced.

The play equipment is a mixture of differing styles that looks tired and out dated and in need of replacement. The surfacing still in grass and timber chippings is quite worn and a little muddy in places. Close by the enclosed car racing track in tarmac is very tired and worn, and just to the rear of this the Amphitheatre's, the grassed bank seating area and the tarmac semi-circular surfacing needs considerable attention. The listed Battlements are in deteriorating condition and need structural repair work to the main bastion structure.

The attached connected and other interconnected walls running through the site are suffering from movement, localised weathering and failed mortar joints, they are in urgent need of selective repair work.

13 The Definition (or Summary) of Special Interest

This section of the document defines the 'special architectural or historic interest of the Aykley Heads Sub Character Area that warrants its designation and conservation area status, the 'character or appearance of which it is desirable to preserve or enhance' The area has been evaluated and described in detail in the previous sections the sum of these values and the key elements identified though the appraisal process are articulated below:

The steep terrain of the Aykley Heads, Wharton Park and St Cuthbert's Church area is a key characteristic of the sense of place and has a significant impact on the history, built form and land uses. The ridge forms part of the Durham Bowl generating a green backcloth of high scenic value and it has a green infrastructure of high visual and amenity worth.

There is little in the way of built form in this area which enhances its open nature and character.

The area contains a number of key landmark buildings such as Wharton Parks' battlements, St Cuthbert's Church and the DLI Museum set in well-kept scenic gardens, churchyards and undulating parkland, contained by the busy thoroughfares of North Road and Framwellgate Peth key historic routes into city centre.

In terms of architecture, the landmark buildings are quite varied as regards to building type, style, and function. Distinctive structures such as The Battery and viewing platforms provide spectacular vistas of Durham Cathedral, and the Viaduct, St Cuthbert's Church, and the Durham Light Infantry Museum. These buildings remain discernable and intact, although the DLI remains the only landmark not listed it could be identified as being a non-designated heritage asset.

The historic interest of Aykley Heads derives from the land once belonging to the Medieval Crook Hall Estate, then becoming a pit, one of a few pits within the Framwellgate Colliery Site that open until 1949, making it the last working pit within the City limits.

The value of Wharton Park stems from its historic origins built by William Lloyd Wharton in 1857 as part of the extended grounds of Mount Beulah (now St Leonards School), to create a summer garden and terrace on the neighbouring knoll on Windy Hill and its subsequent hand over of the gardens to the City in July 1858.

The setting of the historic spaces and buildings are enhanced by surviving historic floorscapes, e.g. York stone flags etc., and traditional forms of boundary treatments. Aykley Heads itself is a significant area of land forming one of the city's green fringes which penetrates into the urban area and is an important green buffer zone to the outer edge of the City. This open space links in effectively with the series of intimate landscaped open spaces within Wharton Park and the sweeping open churchyard of St Cuthbert's. These elements drawn together create an evolving and characterful environment of high landscaped value that have significant interest and are extremely important in terms of backdrop and setting to the Cathedral and World Heritage Site.

From within this part of the character area a number of significant views and vistas can be obtained.

It is the sub-character area's unique topography, landscape and landmark buildings that create a historic environment of high significance. In particular the diverse character of its open spaces and structures within its historic park and informal undulating nature of its parkland, provides a townscape, and setting to the Cathedral that contributes significantly to the character of the whole conservation area.

Sub Character Area 2 - North Road

1 Location and Boundary Description

The North Road sub character area lies within the western sector of the conservation area forming part of the main commercial centre of the City. The boundary of this sub-area to the south is formed by the rear of the properties along North Road and it extends northwards around the Railway Station, then turns southwards following Framwellgate Peth around Highgate and continuing around the edge of The Gates back to North Road. The area's principal streets are North Road that leads from the city centre passing under the Viaduct northwards and leading to the Station via Station Approach; and Framwellgate Peth incorporating the A690 which cuts through the centre of the character area, the small historic area of Castle Chare and the Medieval street of Milburngate.

2 Setting

The southern corner of the site near the River Wear and Framwellgate Bridge provides an intimate entrance and setting into the area. The river gorge, the staggered roofs and dense built form to the rear of Silver Street, and the Castle high above the riverbanks, provides a dramatic setting. The rear of historic properties in Crossgate and Allergate, the changing rooflines and the views of historic buildings climbing the street in Crossgate and Neville Street, provides the setting to North Road.

The Viaduct with its eleven arches at the top of North Road forms a natural entrance from the suburbs of Western Hill to the north. The edge of Wharton Park forms a green approach to North Road. The East Coast railway line and the Railway Station provide an abrupt edge to the boundary to the north, while the grounds of Wharton Park provide a green backdrop to the Station.

The modern interventions from the 1960's to 1980's at Millburngate House, The Gates Shopping Centre and the construction of the A690, leading to Milburngate Bridge and the extending Framwellgate Peth, provides the setting to the St Godric's and St Anne's Convent and St Godric's Church and the Highgate housing scheme.



Image 25 A690 road cutting leading to Milburngate Bridge, riverbank and railway Viaduct (facing)


23/FEB/2016

3 Form and Layout

North Road

This sub-area has undergone various phases of development yet its original pattern is still discernible and it follows a relatively simple plan form emerging along two principal routes. Framwellgate Bridge provides the historic connection to the Peninsula running east/west. The bridge is of high importance within the townscape being the historic river crossing point as well as physically connecting two parts of the city centre, and it provides a combination of significant views.

The area significantly expanded in the 19th century, most notably with the construction of North Road and Framwellgate. North Road is a long linear street of essentially two parts; the southern part exists between the west end of Framwellgate Bridge where it runs north westwards curves slightly at the Milburngate junction ending at the A690; whereas the second part begins beneath the Viaduct and runs northwards terminating at its junction with Framwellgate Peth near to St Leonards Catholic School.

The southern part of the street is relatively wide with a strong building line and extensive built up frontage. The built form varies considerably in its frontages and plot sizes and including a number of key buildings of individual significance such as the former cinema building and the former Miners Hall.



Image 26 Channelled views of the castle, the Viaduct and St Godric's

The nature of the street changes quite considerably to the north, apart from a few key historic buildings, it displays a wide range of built form and architectural styles, quality and age. Key buildings include the former bank at 65 North Road (now Wetherspoon's), the Bethel Methodist Chapel and Minister's house adjacent and the more modest Shakespeare Hall;

The built frontage of North Road is broken on three occasions; firstly on the north side of the street by the steeply rising short enclosed street of Station Bank leading to Tenter Terrace; secondly on the south side adjacent to No 19 by Neville Street and thirdly further to the north by the access point serving the bus station.



Image 27 Front and rear of Tenter Terrace, St Godric's Church and St Godric's and St Anne's Court

St Godric's

To the rear of North Road sits Tenter Terrace, a short linear row of terrace houses constructed from local stone and predating those built later in brick near to the Viaduct.

Tenter Terrace occupies an elevated position with terraced gardens above the rear yards of the properties on the north side of North Road and adjacent to the prominent detached large Presbytery with its open grounds. The compact tall symmetrical cottage No 25 sits quietly below on a steep incline down towards North Road. This street is now blocked and access is restricted into North Road. To the rear of Tenter Terrace are small enclosed yards, and a narrow cobbled back lane enclosed by high brick walls and rendered stone walls to the rear yard area.

These buildings are over shadowed by St Godric's Church located to the north. Adjacent to the church to the east is the early 18th century St Godric's and St Anne's Court. The former Convent has an L-footprint and is a tall imposing building which has a strong presence in the streetscene and faces the busy road junction. Castle Chare to the north provides an important connection between St Godric's Church, St Godric's Court, Milburngate, North Road and the Railway Station. This former historic route still retains its original path and its sense of enclosure.

Durham Station

The Railway Station's main building (south) overlooks the City; it stands high up Windy Hill. The main station/front range is a long linear building with an impressive main block, 'H' in plan form with extensions to the north and south. Both the north and south platforms are Grade II listed buildings.

The station is served by Station Approach a steep winding street that climbs up from North Road round the woodland slopes to the stations the frontage, here there is a large turning area, car park and nearby a service yard. There are new stone steps carved into the embankment that provide direct pedestrian access to the front entrance.

The northern building is also a long linear range, H in plan with a number of extensions. Vehicular access to it is rather torturous, the road swings very sharply round the station, runs in a tunnel underneath the railway line leading to a narrow slither of land providing access, parking and a turning space. Pedestrian access is via a pedestrian boardwalk within the tunnel with lifts and steps. There is a further access point around the woodland edge of Windy Hill from Framwellgate Peth to the north. The railway line between the two platforms links into the Viaduct which rises majestically above the townscape of the Framwellgate area.









Image 28 Station Approach, main Station building and access from Windy Hill



Image 29 Highgate

Framwellgate/Highgate

Framwellgate travels northwards from Milburngate roundabout merging into Framwellgate Peth when it crosses beneath the Viaduct. It is a steep road curving sharply to the east near to Sidegate and then running straight to its end at the roundabout adjacent to County Hall, and loosely follows the direction of its original route.

On the west side of Framwellgate is Highgate a modern housing development designed in the late Georgian/Victorian townhouse pastiche style. It is a dense urban development of two to three storey tall townhouses/apartments and mews apartments where the buildings are grouped around courtyards and squares, with one central access point from Framwellgate Peth. The development occupies an elevation position above street level which enhances its visual prominence. The buildings have strong building lines within the development and strong continuous frontages following the line of Framwellgate Peth and the A690.

4 Architectural Character

North Road

Nos. 63 to 76 and Nos. 5 to 12 North Road are narrow tall Victorian commercial buildings, two and three storeys in height with historic shopfronts constructed with the road in the 1830s. They are of mellow stone construction with simple yet ordered facades of one or two stories above a ground floor shop unit. Timber shop fronts survive, in part, in a number of properties, as do some sash windows. The windows themselves are set within plain openings with flat ashlar lintels. Slate roofs are steep and stepped along the gently sloping street, with prominent chimneys. Later phases of development are characterised by modifications to these properties, such as rendering and later window styles. Some redevelopment takes the form of grander more stylised buildings and the use of non-local building materials bricks and tiling, or complete rebuilding.

The new buildings replacing the old Archibald's site at the North Road/Crossgate Corner have tried to replicate the historic pattern to some extent and with some success. The two and three storey frontages are a mix of red bricks and render, with brick and stone string courses and steeped roofs in slate with the chimneys. Sliding sash windows, overhanging oriels and brightly painted shop fronts provide a lively frontage.



Image 30 Commercial properties along North Road



Image 31 Nos. 77 to 80 North Road and properties adjacent to Framwellgate Bridge

The Gates Shopping Centre and Nos. 77 to 80 North Road (William Hedley public house) have created large blocks considerable in size and massing that pay little respect to this distinctive form. Milburngate has tried to reduce the overall scale and bulk by breaking up the frontages with some modelling, colonnades and a varied roof form.

In front of The Gates shopping centre adjacent to Framwellgate Bridge is a cluster of tall narrow, possibly early 19th century frontage properties. The dark brick and rendered buildings have ordered fenestration patterns, black painted sash windows, oriels/double bays protruding out into the streetscene and simple plain shopfronts. The roof forms are broken up to provide an interesting mix of pitched slate roofs. No 33 is Grade II listed dating back to 17th century, with sandstone rubble on the ground floor and timber framed above with a Welsh slate roof and rendered chimneys, there is a plain shopfront on the right with timber sash windows above.

Within the street there are a number of key buildings such as the Old Miners Hall built in 1875 as the headquarters of the Miners Association. It is an impressive building with a sandstone ashlar wide frontage of two storeys with four bays and prominent tower over the forth bay. The ground floor has large sash windows, at first floor there are bays defined by pilasters, round headed windows in recessed arches, pediment in the architraves. At roof level there is a balustrade parapet that has globe and square finials and a two stage tower with a high octagonal dome and finials.

The stone fronted former cinema is also noteworthy; it is constructed from ashlar stone with string courses, pediments and a central moulded archway. There are round arched windows above the recessed frontage and modern entrance doors.



Image 32 Miners Hall, former cinema, streetscape, Bethel Chapel, Minister's house, Nursery building



The Grade II listed Bethel Methodist Chapel (Image 32 above) is classical in style built in 1835 of coursed squared sandstone with ashlar dressings and consisting of two storeys and three bays beneath a fine Welsh slate roof with stone gabled copings. It is accessed via eight steps up to the porch with panelled double doors in a rounded arch. It has flanking fixed lights with rounded headed sashes above and tripartite openings.

The Minister's House adjacent is also Grade II listed built in 1860 of squared sandstone with a high plinth, it has a Welsh slate hipped roof and ashlar chimney . There are central panelled double doors, Tuscan door case and late 19th century sashes (Image 32 facing bottom left).

The Grade II listed former United Bus Company Canteen (now Yellow Wellies Nursery) to the rear of the bus station was built in 1842 of coursed sandstone with chamfered quoins and ashlar plinth, with a Welsh slate roof, six panelled door and traditional sliding sash windows (Image 32 facing bottom right). Finally in the group is the more modest Shakespeare Hall, with its painted rendered frontage, Welsh slate roof and simple well-ordered fenestration.



Image 33 Modern developments near the bus station

The removal of many of the industrial and commercial buildings in the 1960's and 1970's resulted in some incongruous redevelopment on large corner blocks. Such as the glazed fronted three storey block adjacent Neville Street with its flat roof, concrete sides and considerable size and massing which is very prominent and highly intrusive in the streetscene.

The three storey block on the other corner (now Tesco's) provides an unsympathetic entrance to more traditional Neville Street. The large flat roof block in brown brick and concrete has relatively plain elevations with simple shop front design.

On the opposite side of the street the two large blocks No 55 to 57 (former Argos Building) is a long horizontal block. The dark brown dull brick is broken up with window panels, large casements, and there is a heavy overlarge canopy below that hides the shops, which are now empty. The roof appears flat from the front but the excessive length is broken up by shallow pitches.

No 58 to 62 provide two storey long horizontal fronted blocks, with bland frontages and protruding canopies, in conflict with the scale and massing with the simple Victorian built form of the narrow shops adjacent.

The bus station with its strong built frontage onto North Road is a flat roofed, long horizontal building, three storey in height and of considerable size and massing. It is built from dark red brick with no modulation, symmetrical fenestration and an extended canopy at the front. It also features a glass atrium at the rear.

St Godric's

To the rear of North Road sits Tenter Terrace, a short linear row of terrace houses, built in the early 19th century predating those built later in brick near the Viaduct. Tenter Terrace is constructed from local sandstone with the occasional rendered property. The terrace has a simple fenestration pattern of sash windows 2 over 2, there is the odd bay addition, stone heads and sills, simple painted panelled doors and fanlights, beneath slate roofs with stone chimneys.

No 25 Tenter Terrace is a curious building that reputedly housed the wages office of a factory. This building is a compact, tall, and perfectly symmetrical cottage with a steep roof and delicate ridge tiles framed by tall chimneys. The red brick walls are broken up by stone string courses, stone surrounds and stone mullions. Windows are casement openings and stain glass over lights, a panelled door and fanlight sits centrally.

Adjacent to this is the prominent detached large Presbytery. This building has been much altered but still makes a positive contribution to the area. It is possibly a remodelled Georgian building with a post war frontage. The walls are in pebbledashed white render, there are brick surrounds to timber casement windows and timber boarded painted doors. The roof is prominent, a large slate roof with matching brick chimneys.



Image 34 Tenters Terrace, No 25 and Presbytery

St Godric's Church (Grade II listed) is a strong, local landmark building in the Gothic style. It is dated 1864 by E W Pugin constructed in coursed square sandstone with an ashlar plinth and dressings and set back buttresses. It has a steep slate roof with 2 large gables with elaborate cross finials, with a dramatic west tower.









The tower has string courses and top arched corbelling to a pierced parapet with large corner pinnacles. There are solid doors under moulded archways, nine panels of moulded traceried overlights, tall transomed windows with tracery, tall slit windows and belfry openings in the tower. Within the church are painted aisle windows under clerestory lights.

Adjacent is the former 18th century Convent, a tall three storey imposing building with a wing on the right also three storeys. The frontage has incised stucco with ashlar dressings and plinth and chamfered quoins; in contrast the rear wall is in Flemish bond brick with moulded floor strings and cornices. The roof is double span and of slate with brick chimneys. There is a central door with diagonal panels and overlight at the front and, there are flat stone lintels and projecting stone sills with traditional sliding sashes, 6 over 6 panes. The right wing is three storeys with one bay set back with plain surrounds to renewed openings. Attached to the frontage is a former brick school building that has a strong presence in the streetscene, with contrasting brick and featuring a series of sash windows, half gabled dormers, stone sills and heads. The slate roof above sits independently from the former convent roof.

Image 35 (left) Pugin's St Godric's and the former 18th century convent adjacent

Durham Railway Station and Viaduct

The Grade II listed Railway Station is built in the Tudor Gothic style in 1857, probably by G.T. Andrews for North Eastern Railway Company. The main station/front range is of two storey and five bays, its three bay central portico provides a grand entrance with double chamfered Tudor arches and steps up to the central arch. The doors have been renewed at centre and have overlights, there are stone mullion and transomed windows of one and two lights above, and there are stone cross windows and label moulds on the gables.

It is constructed in coursed squared sandstone with ashlar dressings with diagonal buttresses, battlement parapets, and strong gabled ended bays. With stone gable copings, the main roof is a steeply pitch slate roof of fish scale pattern and truncated chimneys. The left extension has one storey 3 bay link with steeply pitched roof to castellated tower on a blocked arcade. The station has recently been refurbished and extended successfully with glazed atrium panelling and curtain walling.

The west range is of one storey and eight bays with a one bay block extension at the right constructed in coursed squared sandstone with ashlar dressings. The main part has three mullioned and transomed 6 light windows in the centre flanked by gabled bays containing paired doors with 2 paned over lights at left and paired windows at right under label moulds. The doors to the platform are ledged and boarded.



Image 36 The station complex and Viaduct

The roof is steeply pitched in Welsh slate with stone gable copings on kneelers and truncated octagonal chimneys. The ornate canopy is an elegant structure of two ridges resting on cast iron Gothic beams and octagonal columns with leaf capitals (Image 36 top and middle right).

The Viaduct has a dramatic impact upon this part of the city and has influenced its built form. It is Grade II* listed built in 1857 by T E Harrison for the North Eastern Railway Company. The Viaduct is constructed from rock-faced sandstone with ashlar dressings and brick soffits, it is 100feet high and comprises of 11 arches spanning over North Road. Also of interest is the Gothic-style fountain at is base on the south face of the pier to the west of North Road



Image 37 Highgate 'modern' housing

Highgate

Highgate is an award winning housing scheme comprising of two to three storey tall townhouses which have picked up the scale and massing of the historic townscape in the city centre. The properties are designed in the late Georgian/Victorian townhouse pastiche style using references to the distinctive Durham vernacular architecture.

Details consist of a wide variety of window types, sliding sash windows, oriel and bay windows, half dormers, box dormer, Yorkshire sash, of different patterns with windows being well recessed with sills and heads. Panelled painted doors and fanlights feature in nearly every property. In the frontages high quality red bricks and sometimes handmade bricks on key corners there are other notable details such as plinths, stringcourses and dentils. Render is used on some properties to provide variety to the streetscene. The roofs are steep pitch roofs in slate with red clay ridge tiles and there are four varieties of chimneys with clay chimney pots. Rear boundary walls, outhouses and yards are also featured.

5 Important Buildings

Listed Buildings

There 10 statutorily listed buildings in this sub character area, refer to the list below and Appendix 1. These are recognised by the Government as being of special architectural or historic interest as specified by the Planning (Listed Buildings and Conservation Areas) Act 1990. Listing is made at three levels of importance Grade I the most important, Grade II* and Grade II. The protection afforded by this legislation applies to the whole of the listed building and any structure attached to it and land within its curtilage. Listed Building Consent is required for any demolition, extension or alteration proposed which might affect its character.

Building Name	*Grade*
Church of St Godric, Castle Chare	II
St Godric's and St Anne's Court(former Art Centre, Castle Chare	II
No 15-17 Former Miners' Hall	II
United Bus Company canteen, North Road	II
No 27 North Road	II
North Road Methodist Church	II
Railway Viaduct and drinking fountain	II*
Durham Station front range	II
Durham Station west range and canopy	II
Milburngate East Side No 33	II

Non-designated heritage assets

In addition to the listed buildings above, a number of other buildings and structures combine add to the areas unique built heritage. While not possessing sufficient interest to be listed as of national importance, such buildings add to the general architectural richness and character of the area and it will be important that careful consideration is given to any development proposals that are likely to affect such buildings.

The following buildings are not statutory listed but do make a positive contribution to the character and appearance of the conservation area, and through the planning process could be identified as non-designated heritage assets. There will be a presumption in favour of preservation of any of these buildings without clear justification for their loss in accordance with national planning policy. The omission of any particular building should not be taken to imply that it is of no interest.

Building name

War memorial to 1st World War, St Godric's
The Presbytery, Tenter Terrace
The School buildings, St Godric's and St Anne's Court, Castle Chare
The stone boundary walls to St Godric's and St Anne's Court, Castle Chare
Railway walls leading to Station Approach
Tenter Cottage No 25 Tenter Terrace
Shakespeare Hall, No 71, 72 and 73 North Road

No 65 North Road, (Weatherspoons)
No 64B North Road
Reform Place. No 74, 75 and 76 North Road.
No 5 to 12 North Road
The Cinema, North Road
No 31, 32, 34 and 35 Milburngate

6 Building Materials, Detailing and Features

Within this character area there is a wide variety of different styles and ages of properties ranging from pastiche copies of late Georgian/Victorian architecture in Highgate, to the grandiose style of the imposing Miners Hall in North Road, to the dramatic presence of St Godric's Church and tower rising above Castle Chare. Although the historic building stock is intermixed with modern developments which bring with it the harsher tons of concrete, brown brickwork, and unsympathetic uPVC; it is the traditional materials which prevail and this helps to create and maintain the area's distinctive character and appearance.

Walls /facades

Within North Road the historic buildings display uniformity through the use of coursed sandstone above the ground floor shop frontages.

Tenter Terrace is notable for its local sandstone construction, however a number of properties have been rendered.

The Miner's Hall, former cinema, Methodist Chapel and Minister's House are all of a darker stone construction with grander frontages enhanced by features such as string courses, quoins and plinths. St Godric's Church is of coursed squared sandstone which contrasts well with the incised stucco, and red Flemish bond brick works of the adjacent convent.

Similarly the railway station is constructed in coursed squared sandstone with ashlar dressings with diagonal stone gable copings with a glazed atrium, and significantly the Viaduct is constructed in rock faced sandstone with ashlar dressing and brick soffits.



Image 38 Wall materials

At the lower end of North Road the properties are predominantly of brick construction and the type, colour and texture gives a strong indication of the age. The brickwork varies from textured dark red/browns, to smooth orange, and multi-reds. Whereas the historic buildings further north such as No. 65 have frontages of red brick enhanced with brick detailing. Later phases of development are characterised by modifications to the historic properties or complete rebuilding. The former introduces rendering, whilst redevelopment takes the form of grander more stylised buildings and the use of non-local bricks and tiling.

The variation in tones, colours and textures contribute to the streetscene.

The Gates Shopping Centre and No 77 to 80 North Road (Yates Wine Bar) opposite are large blocks of dark brick with rendering of the ground floor area and the protruding colonnade. In front of The Gates Shopping Centre adjacent to Framwellgate Bridge is a cluster of early 19th century buildings in dark historic brickwork and rendered ground floors.

In contrast to the above the pastiche of Highgate uses multi-red brickwork with handmade brick used on the corners, and broken up by blocks of render that provide variety and colour in the streetscene.

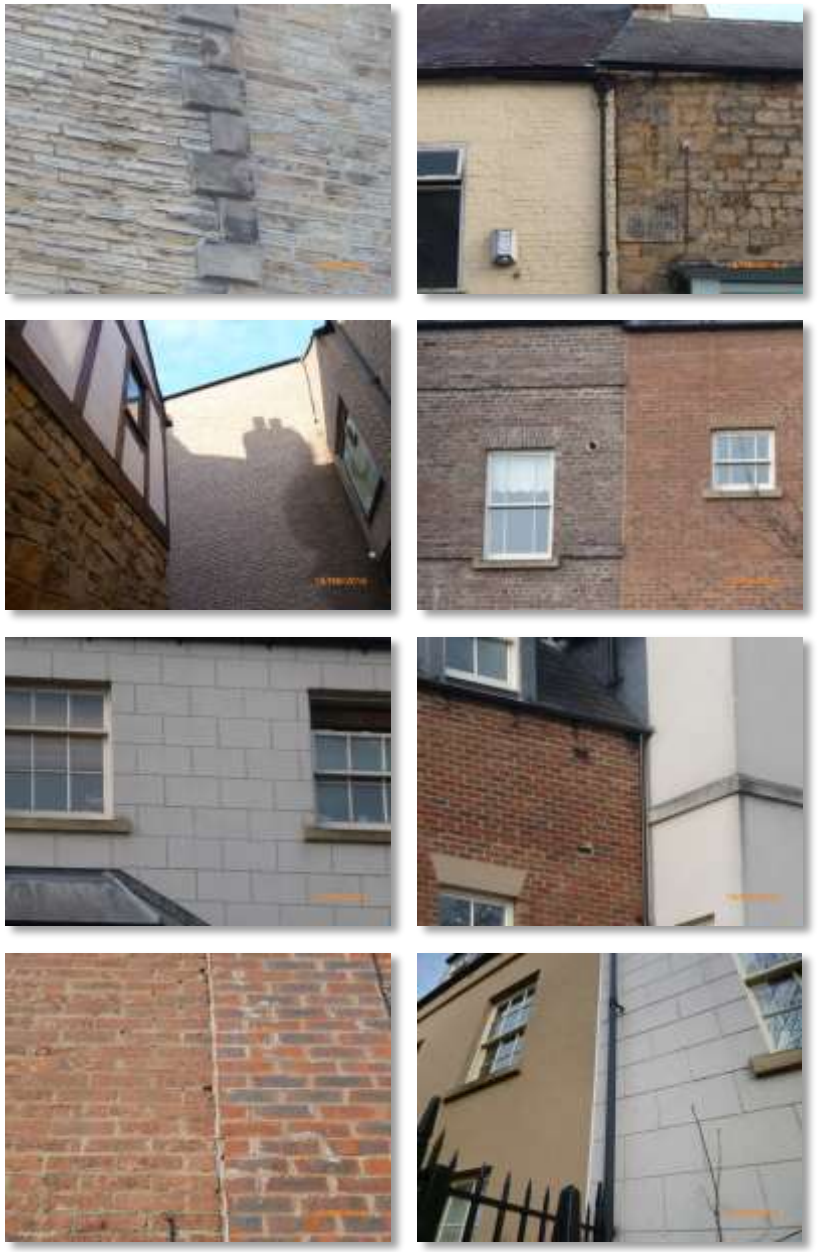


Image 39 (right) wall materils



Image 40 Roof form and details

Roofs

There are a number of differing roof types visibly intermingled within this standard traditional pattern. The Miners Hall features a balustrade parapet roof with a two stage tower and high octagonal dome with finials. The former cinema has a domed roof hidden by a parapet. St Godric's Church feature a steep slate roof with large gables and dramatic west tower with string courses, top arched corbelling to a pierced parapet and large corner pinnacles. St Godric's and St Anne's Court features a double span slate roof, parapet and large brick chimneys.

The main roof of the Railway Station is steeply pitched slate with a fish scale pattern, and featuring stone water tabling and truncated chimneys. The northern platform has an ornate canopy, an elegant glazed structure of two ridges resting on cast iron Gothic beams and octagonal columns with leaf capitals.

The chimneys visible in this sub-area are mainly of brick but vary considerably in terms of their heights, depths, and detailing. They are mainly either square or rectangular in form with the associated pots in terracotta buffs and reds and in standard rounded and squared terminals.

In terms of the modern buildings, these feature a mixture of roof forms and pitches fronting onto North Road, the flat-roofs are in contrast with the varied historic roofscape that

dominates. The glass atrium to the rear of the Bus Station does provide some interest.

In Highgate the roofscape reflects the historic stepped roofs of Durham, these are in slate with red clay ridge tiles and there are four varieties of chimneys with clay chimney pots.

Rainwater Goods

Many of the properties in North Road surprisingly still retain their black painted cast iron rainwater goods, with hopper heads and spiked brackets. There are gutters that have been replaced with modern plastic, having a negative impact on some of the facades especially where uPVC has faded with age. Highgate's pastiche properties have paid special attention to rainwater goods and mirrored the profile and fitting details with cast iron rainwater goods used throughout.

The listed buildings at Durham Station, St Godric's Church and St Godric's and St Anne's court retain their unique black painted cast iron rainwater goods, guttering of different shapes and profile with ornate hopper heads and spiked brackets or stone support brackets.



Image 41 Rainwater goods



Image 42 Windows

Joinery, windows and doors

In North Road there is great variation to the joinery details; windows within the historic properties generally have a rhythm to the fenestration pattern. The windows themselves are mainly timber sliding sashes and 2, 4, or single paned set in plain openings with flat lintels and sills.

Other more distinctive forms of window include the large sash windows defined by pilasters, round headed windows in recessed arches and pediment in the architrave at the former Miners Hall; the Bethel Methodist Chapels rounded headed sashes and tripartite openings; the tall transomed windows with tracery and tall slit windows found at St Godric's church and the stone mullion and transomed windows of one and two lights and stone cross windows at the Railway Station.

There are also examples of rounded arched windows, overhanging oriels, projecting bays and dormer windows, and many casements visible within the character area. These windows are predominantly painted white, but some are painted to contrast with the colour or the external walls, and are generally recessed into the openings. Tenter Terrace has a traditional simple fenestration pattern of sash windows 2 over 2, but there is the occasional bay addition. uPVC windows have started to encroach in this area but there are still some original windows remaining. No 25 Tenter Terrace is notable for its stone surrounds and stone mullions.

The new buildings replacing the old Archibald's building on the North Road/Crossgate Corner have tried to replicate the distinctive fenestration pattern in North Road and Crossgate. This has worked reasonably well, with the sliding sash windows creating visual balance.

Similarly to the windows, historic doors are one of the most important architectural components of the building façades. Notable examples include the solid timber doors under moulded archways at St Godric's Church, at St Godric's and at St Anne's Court the central door with diagonal panels and over light. The Minister's house is also notable as this features central panelled double doors in a Tuscan door case.

Within Tenter Terrace the surviving historic doors are solid 4-panneled timber doors below rectangular over-lights and painted lintels; a number of which have been lost to unsympathetic modern replacements.

The three storey block adjacent to Neville Street features extensive metal framed glazing and panelling fronting North Road. The three storey block on the other corner (now Tesco) is in brown brick and concrete with plain elevations and uPVC windows at first floor level. On the opposite side of the street the long horizontal block, Nos. 55 to 57, features casements window with panels at first floor level. At street level the canopy covers recessed shopfronts and the large horizontal casement windows are in contrast with the vertical fenestration of the area and the shop fronts are plain.

The bus station features symmetrical fenestration, of vertical aluminium windows above an extended canopy fronting North Road.

The Gates Shopping Centre and No 77 to 80 North Road have a distinctive fenestration form with shop frontages behind colonnades at ground floor level with sash windows and limited openings above. Adjacent to Framwellgate Bridge the properties feature black painted sash windows, oriels and double with plain good quality shop fronts. No 33 is (Grade II listed) features a decorative shop front and sash windows.

At Highgate the windows vary in style and include sliding sash windows, oriel and bay windows, half dormers, box dormer, Yorkshire sash, of different patterns with windows recessed with sills and heads. These are painted in off whites/creams, bays are painted in dark Victorian colours. Panelled painted doors and fanlights feature in nearly every property.

The individual historic shop fronts which survive generally follow a traditional form with recessed part-glazed entrances positioned centrally or off-set to one side with shop windows well-proportioned, divided mullions or transoms. Flanking the doors is usually a stall riser either in the form of timber panelling or a simple plinth with slender pilasters framing the windows and corbels running into a flat and framed fascia. The best examples include No. 11, No. 71, Nos. 74 and 75. However, the character of the area is compromised by many shop frontages which do not respect the traditional form.

7 Boundary Treatment

There are estate railings running parallel to the pavement along Station Approach on top of the embankments, whilst on the opposite side there are stone walls linking to the South Platform and to the steep stairwell that cuts into the embankment. To the rear of the North platform there are stone retaining walls to the boundary of Wharton Park.

To the south of the Station, adjacent Station Approach, the viewing platform is surrounded by stone walls and an ornate railing. Near to the adjacent Highgate are brick walls with front gardens behind and stone walls off the embankment on the other side. Highgate Bridge across the A690 features steel painted railings.

Highgate features high quality boundary treatments to the different open spaces. The front gardens of the properties have low brick walls and railings. Some of the terrace townhouses/ apartments have small rear yards enclosed by brick walls, gates and railings; while the townhouses to the rear feature terraced gardens enclosed by brick walls, fences and hedges. The courtyards bounded by the dwellings and street trees create a strong sense of enclosure. Facing Framwellgate Peth, high brick and stone walls front the highways.

St Godric's Church above Castle Chare has a well-defined churchyard enclosed by stone walls. St Godric's and Anne's Court close by has an enclosed car park at the front surrounded by high stone walls, railings and metal gates which are curtilage listed. Terraced landscaped gardens at the rear are hidden by stone walls and vegetation.

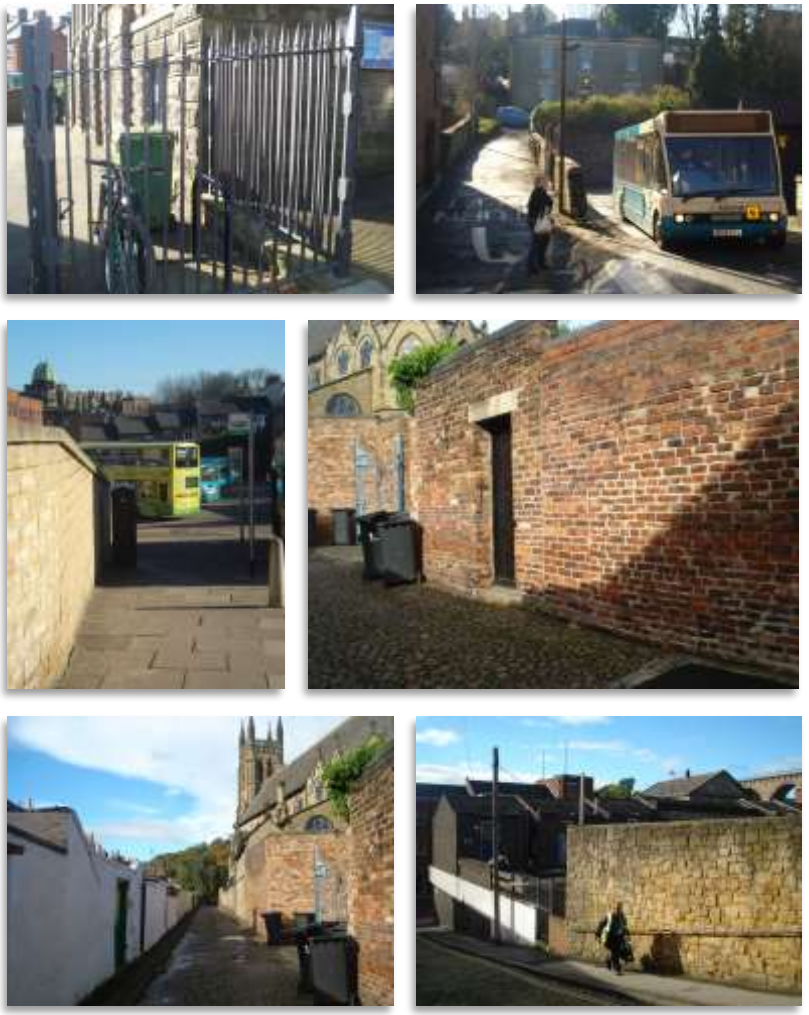


Image 43 Boundary railings and walls

Adjacent to Castle Chare there are steep grass embankments with tree planting fronting onto the A690. Directly in front of Tenter Terrace there are small open frontages with pot plants lining the road, opposite there are enclosed terrace gardens, with an assortment of boundary treatments. The Presbytery nearby has an open garden with trees, hedges and stone walls along its boundary.

Adjacent to the Viaduct, there are modern galvanised railings adjacent to the junctions adjoining the routes in particular at North Road. In front of the Methodist Church there are some large concrete planters; the church to the rear has stone walls, railings and gates.

From the roundabout the access road leading to the bus station's forecourt and turning area is surrounded by stone and brick walls to the rear but is more open from Atherton Street and the roundabout.

The buildings in North Road have hard frontages directly onto the pavement, to the rear the back yards and storage areas are enclosed by a mixture of stone walls, fencing and vegetation.

Close by in Milburngate the open space to the rear of the bus shelters is partly enclosed by high stone and brick boundary walls and trees adjacent St Godric's.

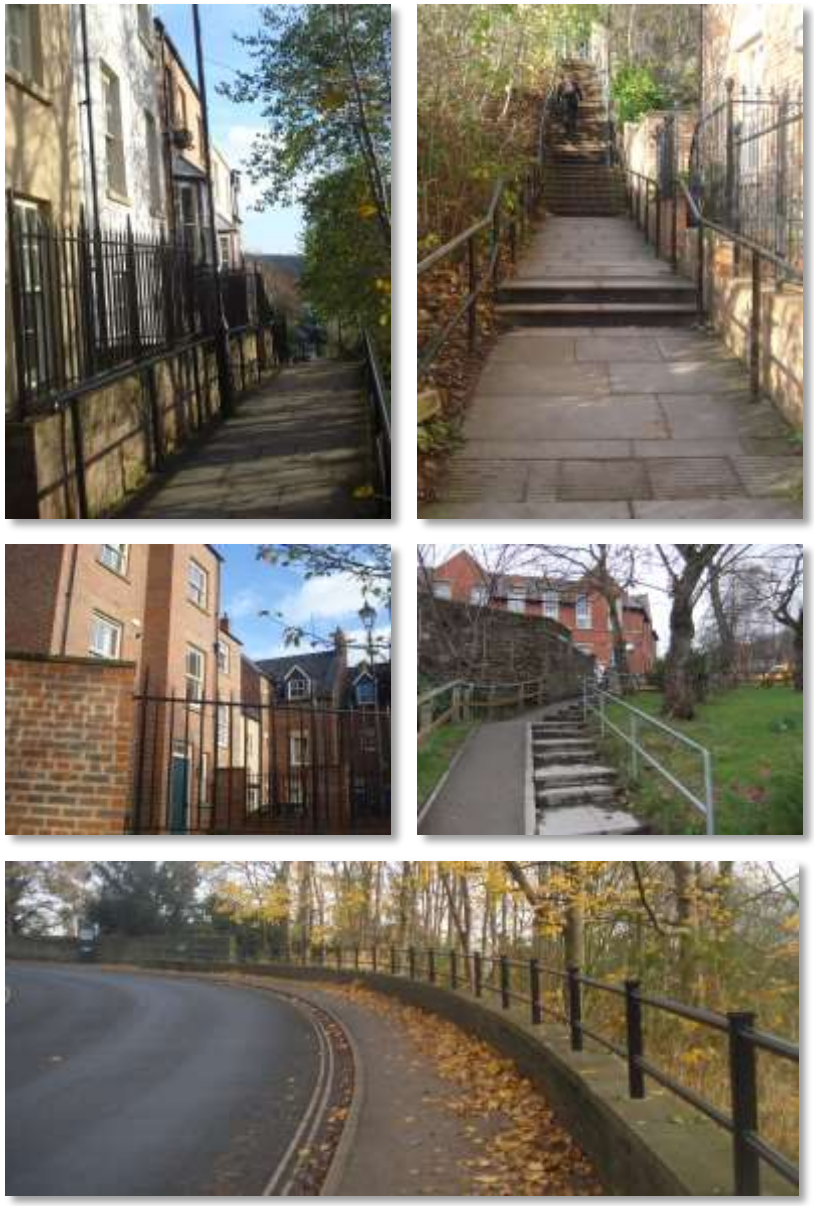


Image 44 Railings and low walls

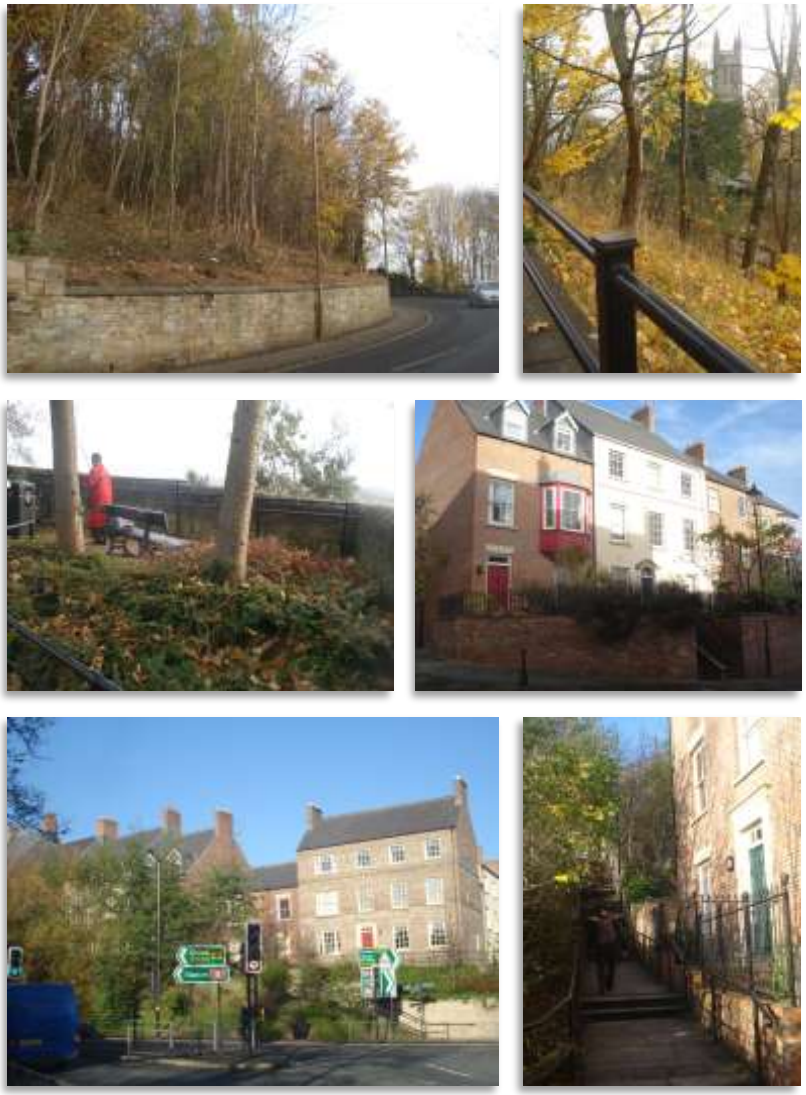


Image 45 Station Approach and Highate

8 Open Spaces and Trees

Open spaces, trees and other forms of greenery significantly enhance the setting of the historic buildings, add to the streetscenes and contribute to the overall character and appearance of the locality. The embankments leading up to Station Approach are steep grassed slopes with trees and vegetation, with a steep wooded slope at the side. The green spaces provide a channelled and scenic approach to Durham Station. Directly in front of the station entrance is the main access road, turning area and car park laid out in tarmac.

At Station Approach there is a viewing platform and seating area overhung by a fine cherry tree (Image 45 middle left). Directly in a well concealed area of open space, a former seating area overgrown by vegetation and trees. Close by adjacent to Highgate the front gardens feature dense planting and add to the visual amenity of the area. Within Highgate the spaces are divided into intimate courtyards and mews with street trees, dense planting and rear terraced landscaped gardens which make a significant contribution to the development's appearance. The gardens are visible from the stone steps and viewing platform above.

To the rear of the former convent there are open terraced landscaped gardens with the churchyard adjacent which make a valuable contribution to the townscape.

Adjacent to Castle Chare the smaller incidental green spaces including the steep grass embankments with tree planting fronting onto the A690, and other verges and corner spaces add important greenery into the area.

Close by in Tenter Terrace there are well cared terraced gardens visible from the public area; however in places, gardens have been replaced by vehicular parking areas detracting from the streetscene. The Presbytery nearby has a larger open garden in a high elevated location.

Underneath the Viaduct the roundabout softens the setting and is an important focal point from the north and south along North Road.

There is little open space in the North Road area, only a small urban paved seating area at the busy junction with Milburngate. Close by to this in Milburngate there is a green slither of open space to the rear of the line of bus shelters. The grass area has trees and shrubs at the rear adjacent to St Godric's.



Image 46 The A690, North Road roundabout and Tenter Terrace

9 Views and Vistas

There are many impressive and notable views within this character area informed by the local topography, street pattern, and building form. One of the most significant views which can be gained is when arriving into Durham on the train from a westerly direction. Also at the station, there are outstanding panoramic views looking southwards towards the Cathedral, the Castle and the city centre, with the varied roof scape of historic buildings in Tenter Terrace and North Road in the foreground. Views from the designed viewing platform on Station Approach are exceptional with close up vistas of St Godric's Church on the promontory directly in front, and views across Highgate's terraces landscaped gardens and rooftops with the backdrop of the Cathedral and Castle.

Views heading down the steps near Highgate are channelled intimate streetscape views of the stepped terraced, roofline and landscaped frontages. Views within Highgate are notable of well-designed buildings, coherent public spaces and tree lined streets. There are impressive panoramic views of the cathedral rising high above the city down Framwellgate Peth as the road slightly curves towards the busy road junction.

Along Castle Chare there are close up views of St Godric's and St Anne's Court through the metal gates and views looking up from the stone elevated boundary walls towards St Godric's Church and its tower soaring above. There are roofscape views from Tenter Terrace looking across to North Road and Allergate, and the Presbytery has excellent views of the Cathedral.



Image 47 A misty day from the Station Approach viewing platform and Framwellgate Peth



Image 48 Public views from around North Road

Some of the best views of the Viaduct, in terms of composition are from North Road where the arches frame the view of the Cathedral perfectly. Close up views from the A690, of the landscaped roundabout and Victorian townscape below the eleven arched Viaduct soaring above are impressive (Image 48 top left).

From the A690 roundabout views down North Road vary considerably. The Methodist Chapel helps to hide open views of the bus station and turning area to the rear. Both the Church and the Miners Hall to the south are key focal points in the streetscene. Views further down the street are of a bustling commercial streetscene, enclosed by some fine Victorian buildings, within unfolding views of Durham Castle (Image 48 top right, middle bottom left).

Towards Framwellgate Bridge there are high quality views of the Castle and Cathedral high above the river in one direction and the stepped roofscape views of Silver Street and the Market place in the other (Image 48 bottom right). Close by, from the bottom of North Road looking towards Crossgate, there are notable streetscape views of the historic buildings climbing steeply up the Medieval street of Crossgate. In the opposite direction views of The Gates Shopping Centre are rather bland. Neville Street at the junction of Crossgate and Allergate on the eastern side provides welcoming intimate views of the stone terraces; from the south these perfectly frame St Godrics Church.



Image 49 View of the World Heritage Site

10 Activity

This part of the conservation area is active with a wide mixture of uses, forming part of the main shopping core of the city, and being the location of the two main public transport services. North Road is relatively vibrant despite looking slightly neglected in places. There is a wide variety of shops ranging from small greengrocers, to national chain outlets. Recent years has witnessed the decline in the range of businesses, due to competition from larger retail outlets, symbolised by the number of empty premises and the number of charity shops. However, the area has a busy night life with a number of public houses and night clubs.

The upper section of North Road is dominated by the Bus Station, with shops and cafes fronting the street and the covered area to the rear providing shelter and seating at this busy interchange. Opposite the bus station are bus stops whereas on the west side there are a number of taxi ranks. The road restrictions limit through traffic during the day so that it is semi-pedestrianized.

Durham Station services a considerable amount of passengers and includes additional passenger facilities including a café and shop as well as the main ticket office. Externally there is a parking and drop-off area, and a bus stop.

Highgate is primarily residential with a number of rental properties, and appears fairly quiet, however the immediate surrounding pedestrian environment is extremely busy area in providing access up to the Station, St Godric's, and with links to Milburngate and the lower part of North Road.

The A690 is a busy route acting as an inner ring road, linking in with the junction at the bottom of Framwellgate Peth and leading to Milburngate Bridge. At St Godrics the former historic convent is now converted into flats with the Church in active use. Here pedestrian access is steep and vehicular access is restricted with limited parking.

Tenter Terrace nearby consists mainly of family homes however as elsewhere has a number of properties to let. Adjacent to Tenter Terrace there are a number of busy service yards to the rear of North Road.

The Viaduct in North Road creates an entrance into the City; the busy A690 passes below meeting North Road from the north and south at a landscaped roundabout. Adjacent to the roundabout and Viaduct there are a number of mixed uses such as Metcalf House providing health care facilities and flats, the Methodist Chapel nearby is in active use, and there is a small narrow furniture shop on the corner of Station Approach.

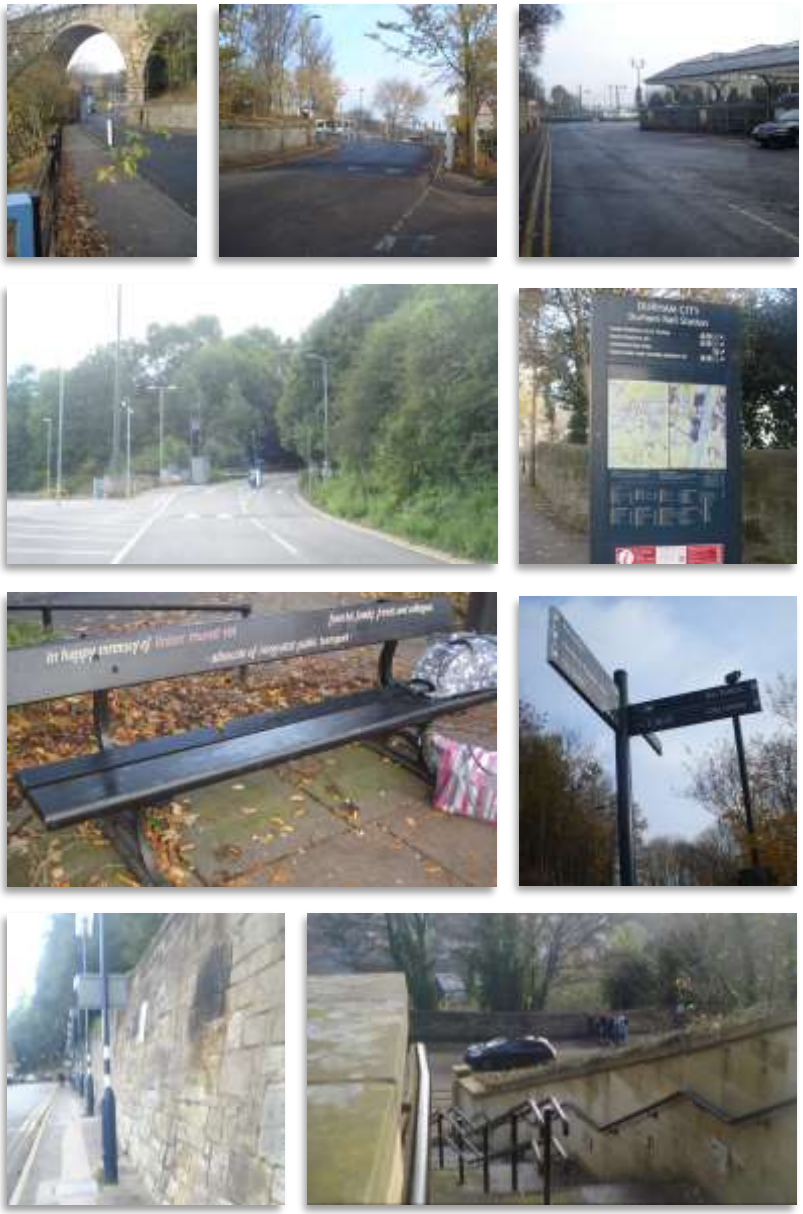


Image 50 Station environs

11 Public Realm

Pathways leading up Station Approach and curving round the winding access way to the North and South Platform at the Station are tarmac. The railing running parallel to the pavement here appears in keeping. In recent years Yorkstone steps cutting into the embankment has been created to provide direct access to the front entrance, with well-designed inset lighting and railings installed. Around the station buildings there is further Yorkstone paving. The main access road, turning areas and car park are laid out in tarmac which appears excessive in places.

The station has a mixture of street furniture, coordinated seating, lighting, bins, bike racks and fingerposts. To the south of the station the public viewing platform and seating area has Yorkstone paving with railings and planting. Nearby is a public information board and fingerposts directing down the Yorkstone steps leading along the steep embankment adjacent Highgate and to the steel framed pedestrian bridge across the A690.

Highgate itself has a high quality co-ordinated public realm featuring Yorkstone flags and stone setts, parking bays in granite setts and resin brown gravel surface. The main access route into the site has a granite sett rumble strip and resin bond gravel surface to the rear. There is some clutter in terms of street furniture; however there is a uniform choice of cast iron black painted tree guards, bollards and railings.

Around St Godric's there is a wide variety of surface treatments and street furniture. The historic route of Castle Chare retains its original character with granite setts and little clutter. Close by, the rear of Tenter Terrace is a fine cobbled back lane whereas at the front the pavements are tarmac with granite setts in the road continuing down Station Bank to North Road.

Adjacent to the Viaduct roundabout there is a mixture of street furniture including black painted railings, modern galvanised, road signs, directional signs, fingerposts and lighting columns and adjacent to the Methodist Church are some large concrete planters. The surfacing is generally of tarmac surrounded by concrete rectangular flag pavements. To the south within the Bus Station there is a lively mixture of coordinated seats, littler bins and signs in strong dark blue colours. The refurbished white tiled flooring and glass atrium provide a light and warm ambience.

The north part of North Road is covered with concrete grey rectangular flags and stone kerbs; this extends down to Neville Street. On the opposite side of the road are square red flags adjacent the bus bays. The carriageway is tarmac with a red chipping. There is a considerable amount of street clutter in this locality in particular around the entrance to the bus station and the junction with Neville Street which negatively impacts on the streetscene.

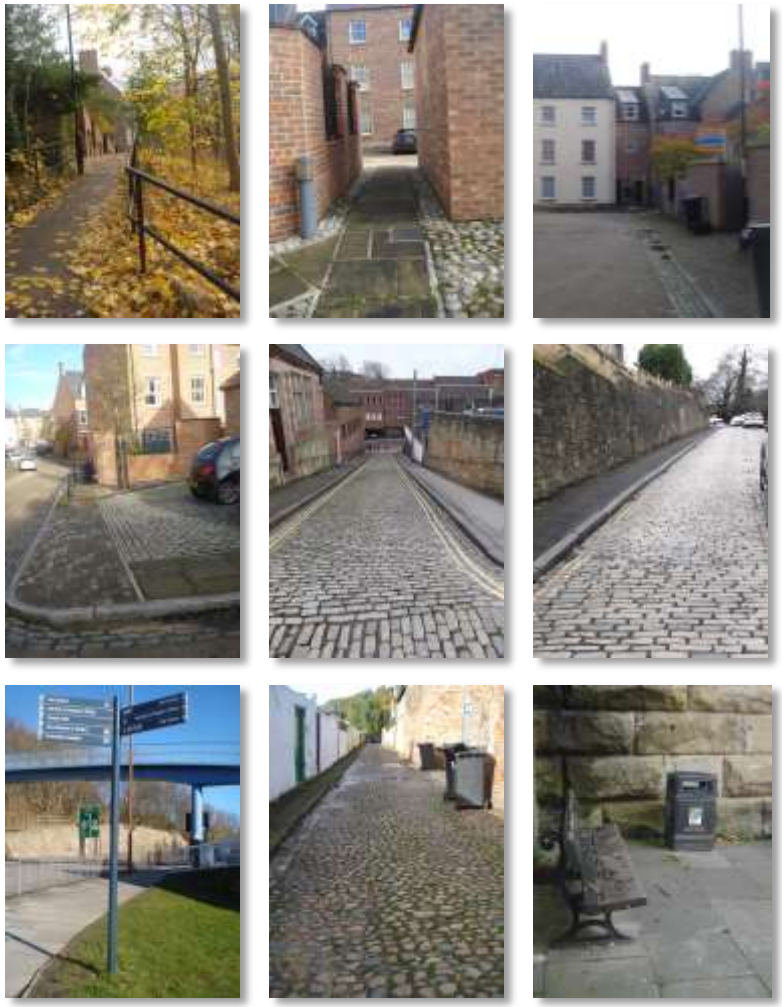


Image 51 Around St Godric's and the Viaduct



Image 52 North Road public realm

Within the southern end of North Road the quality of the surfacing improves with Yorkstone rectangular flags and conservation kerbs. The carriageway continues in red chipping and at the junction with Milburngate is an area of anti-skid with granite sett rumble strips.

The street furniture is of a high quality, with black cast iron railings, bollards and lighting columns with ornate lanterns. The contemporary stone seats outside No 80 and the combined plastic planters and seats together with the telephone service box on the opposite side of the road appear incongruous within the streetscene. Towards Framwellgate Bridge the high quality materials continue and link to Milburngate where the surface treatment becomes more standardised.

12 General Condition

The tarmac pathways leading up Station Approach and the Yorkstone steps are in good condition, as are the recently completed paving works, lighting and street furniture adjacent to the station. The main tarmac access road, service yards, turning areas and car park appear in reasonable condition.

The bus turning area near the car park entrance is in a deteriorating condition, with some loose kerbs and patched tarmac. The Station buildings themselves and platform canopy are in excellent condition following a major refurbishment. A number of outbuildings and sheds have been replaced by well-

designed and integrated glass canopies, contemporary glazed waiting rooms and glass curtain walling.

To the south of the Station adjacent Station Approach the viewing platform is in good order. The new steps leading down the steep embankment adjacent Highgate are in generally good as is the nearby pedestrian bridge.

Highgate, completed in the mid-2000's, is in pristine condition and the properties appear well maintained regularly. The public realm is in excellent condition as are the highways and street furniture.

The tarmac pavements adjacent to Framwellgate Peth are in reasonable condition, with the stone walls and railings providing access and a pedestrian route to Highgate also in good order.

Around St Godric's, the surfacing is generally good as is the treatment around St Godric's Church and St Godric's and St Anne's Court Chare. The listed buildings themselves appear well cared for with recent work carried out to a high standard. To the rear of Tenter Terrace, some of the cobbles are uneven, where to the Presbytery the uneven cobble surface has been replaced by new tarmac surfacing.

Tenter Terrace is generally in good order but the encroachment of uPVC is evident in windows and doors. To the front the plant containers, terrace gardens, outbuildings and vehicular and parking areas and mixes of surfacing appear uncoordinated.

Adjacent to the Viaduct roundabout the surfacing and street furniture is generally in reasonable order with the pedestrian bridge across the A690,the concrete steps and railings being well maintained. Adjacent to the Methodist Church the large concrete planters with shrubs planting appear tired and dated.

The hard surfacing in this area is in reasonable order with the tarmac carriageway and concrete rectangular flag pavements needing attention in some localised areas. Metcalfe House on the corner with the A690 is in good condition, although the hard surfacing under the colonnades needs some repair work. The listed Methodist Church is in pristine condition following considerable investment and restoration work.

The concrete forecourt and turning area of the bus station has a poor general appearance and is potentially part of a major redevelopment scheme. Within the bus station there is a mixture of coordinated seats, bins and signs, these remain in good condition as does the white tiled flooring and glass atrium. The upper part of North Road with its mixture of concrete materials, clutter of street signs and street furniture appear overall out-dated. Some of the buildings adjacent to the street here also exhibit a lack of general maintenance and reinforce this general tired ambience.

Beyond Neville Street the quality of the surfacing improves however the surfacing is patched in places with black tarmac infill, and movement is evident.

Some of the cast iron black railings, bollards and lighting columns need repainting. The contemporary stone seats and the black plastic planters have been vandalised in places. At Framwellgate Bridge the high quality materials are often patched here, the granite sett rumble strips at the main road at the junction are in fair condition. In Milburngate the surfacing returns to tarmac in the pavement which is in good order.

The condition of the buildings in this part of the street varies, the recent developments at the bottom of the street are in reasonable condition as are a number of Victorian commercial buildings, however some of the units are empty and as a result the frontages appear tired and unmaintained which blights the streetscene. Both the listed former Miners Hall and the former cinema in North Road are in need of repair and restoration.

13 The Definition (or Summary) of Special Interest

This section of the document defines the 'special architectural or historic interest of the North Road Sub Character Area that warrants its designation and conservation area status, the 'character or appearance of which it is desirable to preserve or enhance'. The area has been evaluated and described in detail in the previous sections the sum of these values and the key elements identified though the appraisal process is articulated below:

The historic significance of this area derives partly from the linear routes being an important surviving example 19th century expansion of this sector of the City, heavily influenced by 19th century industrialisation. The local topography gives rise towards the station from which there are outstanding views southwards towards the World Heritage Site, including St Godric's Church in the foreground.

The defining structure in the area which dominates the streetscene is the 11 arched Viaduct creating a strong gateway feature.

In terms of architectural value, the area contains a huge variety of styles. Within North Road itself buildings range from tall Victorian commercial buildings, with ordered facades and historic shopfronts, to key listed buildings of the distinctive railway station and Viaduct, the Miners Hall imposing frontage and prominent roofline and the Bethel Methodist Chapel classical façade, to the plain blocks and brutal architecture of the 1960's modern offices. Tenter Terrace, a short linear row of terrace houses and linear roof form is quite a contrast to St Godric's Church a strong, local landmark built in the Gothic style by E W Pugin with a distinctive tower and buttresses and the St Anne's Court the former 18th century Convent, a tall three storey imposing rendered and brick building, a key focal point on the busy road junction.

This townscape contributes significantly to the distinctiveness of the area and provides rich rhythm in the streetscene and memorable roofscapes. There is an overriding harmony of materials, detailing and scale. The physical integrity of the historic building stock is relatively high with many surviving features of interest preserved. The setting of the historic buildings is greatly enhanced by the traditional forms of surfacing treatments.

There is little open space in this area but there are a few valuable green spaces adjacent to the Station and at the top of North Road. The back yards and gardens in Tenter Terrace, St Anne's Court and Highgate provide notable enclosed spaces, also within Highgate are well designed linked courtyards and squares. All these spaces together provide a rich and varied townscape of aesthetic worth that strongly influences the character of the conservation area.

In this sub-character area it is the topography, history and buildings that create an environment of high significance that contributes to the character and special interest of the whole conservation area.



Image 53 Character Area 3

Sub Character Area 3 - Milburngate/Sidegate/Crook Hall

1 Location and Boundary Description

The Milburngate/Sidegate/Crook Hall sub-character area lies in the north western part of the conservation area fronting onto the River Wear and the North Road/St Godric's sub character area. The farmland and riverbanks in the eastern part of the sub-area provide a wide variety of landscapes and land uses and form's part of the rural fringe on the outskirts of this part of the City. The area comprises of four main elements these being Milburngate, Framwellgate waterside, Sidegate and Crook Hall; all of which have their own distinctiveness and character.

The boundary of this sub-area is formed to the west by the southern stretch of Framwellgate Peth and the roundabout linking up with the A690. The River Wear and the riverbanks form the southern boundary, while the eastern boundary merges into the farmland and the flood plain. The railway line to the north provides a definite boundary enclosing the back of Sidegate and the farmland to the rear of Crook Hall.

The area's principle streets are the busy Framwellgate Peth (A691), the traffic controlled junction at the bottom of the Peth linking with the through road, the A690 that leads from North Road to Gilesgate via Milburngate Bridge bordering the edge of the route across to Elvet via New Elvet Bridge. Other more traditional routes with historic backgrounds within the area are Sidegate and Framwellgate waterside.

2 Setting

The farmland that lies on the slopes and within the floodplain of the River Wear corridor and wraps round to the rear of Crook Hall generates an informal green setting to the character area.



Image 54 A rural feel to Sidegate

The trees and hedgerows forming field boundaries provide a green setting to the western part of the area, and are important in generating a green backdrop in wider views from within the city centre. The River Wear and the riverbanks to the south and the extensive grass area in The Sands beyond are located in the floodplain. This is a flat relatively wide open area that creates a very open setting of high scenic quality and natural foreground to the Framwellgate riverside. The setting changes to this part of the riverside, as the area beyond become more urban. Framwellgate Bridge provides the start of the dramatic and outstanding backdrop of the steep embankments to the river gorge with the Castle and the Cathedral perched high above the river and the wooded slopes.

Directly to the south of the Milburngate area and beyond the river is the rich and varied townscape of the City creating a dense very urban setting. The East Coast railway line provides an abrupt setting to the northern boundary, whilst the undulating grounds around Aykley Heads and County Hall and the lower reaches of the Durham Bowl provide an informal setting beyond, leading to a notable change in terrain.



Image 55 The green western edge gives way to the developed riverbank and the city centre dominated by the Cathedral and Castle


22/FEB/2016

3 Form and Layout

Sidegate

Sidegate lies on the western side of Framwellgate Peth and approximately 260mtres to the north of Milburngate roundabout. It is a narrow, distinctive lane of an enclosed and intimate character. The short street drops steeply down to the east to its junction with Framwellgate waterside, on the south side there is a terrace of several properties fronting hard onto the street. To the north Diamond Terrace occupies an elevated position with terraced gardens to the rear of the properties stepping down to Sidegate and following the same alignment. These two Victorian terraces comprise of narrow buildings set in rectangular plots and uniformed in both form and architectural styling. St Cuthbert's House at the west end of Diamond Terrace goes against the general grain as a result of it being a detached building set in its own grounds.

Towards the lower end of Sidegate is Bath Cottage, a historic building shown on the 1860's maps but now unrecognisable as a modernised bungalow of an L-form and set in extensive grounds on the north side of the street, elevated high above street level. Continuing eastwards the street opens up to the riverside with a car park on the north side and the rear of the Radisson Hotel and the adjacent electricity sub-station in a triangular enclosed plot of land on the south.



Image 56 Sidegate



Image 57 Grade I listed Crook Hall

Crook Hall

At the junction of Sidegate and Frankland Lane, which runs parallel with the River Wear, there is a narrow access road running northwards which steeply climbs to Crook Hall. There is a detached building on the west side at the lower end of the road which is the former farmhouse; this has an L-footprint facing a detached garage and turning area.

The main group of buildings are located approximately 60 metres to the north. This historic group comprises of the main hall on the east side of the road with the coach house set behind, and on the west side of the road is the North Barn, with the Old Granary attached to the south. The buildings are clustered around a small courtyard area with the historic gardens sloping southwards in front of the main hall.

Continuing eastwards Frankland Lane there is a group of modern buildings tightly enclosing the road junction these comprise The Riverside Building which is linear in form set in a large irregular shaped plot, and a number of depot and service buildings with a loose arrangement.

Framwellgate waterside

Framwellgate waterside runs southwards from its junction with Sidegate and Frank Land Lane for approximately 400 metres terminating at Leazes Road Bridge. This area contains two significant modern buildings in terms of their visual impact upon the townscape, The Radisson Hotel and Millburngate House.

The Radisson Hotel is a long linear building that is wider at its northern end and gently curves to the south with the river line; it is five storeys with a prominent central glazed atrium with smaller service buildings to the rear.

The adjacent Millburngate House is the largest of the modern developments within this area. The office complex occupies a prominent riverside site but also has significance presence within Framwellgate Peth to the rear and along Leazes Road to the south. The main core of the building is rectangular with a linear south range and eastwardly projecting wing generating an open frontage courtyard. Framwellgate waterside itself is a pleasant straight open boulevard running parallel parking running adjacent to the River Wear.

In front of the Radisson Hotel stands Pennyferry Bridge which provides an important pedestrian link between the modern developments on either side of the river. The suspension bridge has an elegant tower and is a key focal point along this part of the riverside.



Image 58 Radisson Hotel, Millburngate House and the rural character along the riverside

The Gates Shopping Centre

The Gates Shopping Centre is contained between Lambton Walk along the riverside to the east, the road of Milburngate to the west, Leazes Road to the north and both North Road and part of Framwellgate Bridge to the south. The shopping centre

is essentially a series of individual units linear in form interlinked via a central wide walkway with a large atrium at the north end. The west side of the building follows the curvature of the roads meeting at a central wide covered entrance that drops steeply down to the car park and the river side. There are also a number of pedestrian pathways and steps that circulate around the outskirts of the building, leading into the shopping centre, down to the riverside, the car park and under the road bridge to Millburngate House.

4 Architectural Character

Sidegate

The terrace of Sidegate dates from the late 19th century, whereas Diamond Terrace is slightly later dating 1897. The street name is thought to reference Queen Victoria's Diamond Jubilee of that year. They are both, however, similar in terms of their architecture being town houses built in red brick below steeply pitch slate roofs with brick end chimneys. They also have similar patterns of vertically proportioned sash windows, defined by stone heads and sills and timber panelled front doors. To the rear there are some well-designed extensions and infill elements that add a contemporary twist and fit in with the Victorian vernacular.

In contrast to the Victorian terraces is Framwellgate House a modern block of offices dating from the 1970s. This is a single storey, wide building, with an extensive shallow pitched tiled roof, buff brickwork and a horizontal emphasis to the windows.

Bath Cottage has been heavily altered and modernised and lost its original character as a result.



Image 59 Residential terraced properties at Sidegate

St Cuthbert's House (Image 60 over) is a former chapel on the corner of the road; it is an interesting building with solid red brick side elevations yet including a modern brick and glazed rounded frontage. The modern vertical glazing, fake louvre and projecting bays provide interest to the streetscene.

To the rear of this is the Grade II listed Well Head dating back to 1430 but rebuilt in 1847. It has a rectangular plan built from coursed square sandstone with a low diagonal buttresses with a commemorative plaque on the front providing the history of the well.



Image 6o St Cuthbert's House

Crook Hall

The Grade I Listed Crook Hall is without doubt the most important Medieval domestic building in Durham outside the Cathedral and Castle complex. It is a complex Medieval house originally dating back to 14th Century which was remodelled in the 15th century, 17th century, and early 18th centuries. The house comprises of three storeys and three bays with a parallel two bay range at the rear, on the east side is a two storey and single bay link attached to the hall with a cross-wing at the east end. The buildings are constructed from a mixture of coursed squared sandstone and brick walls below Welsh slate roofs including tall brick chimneys. The windows are a mixture of ogee headed lancets, small squared windows, mullioned openings and Yorkshire sliding sash windows.

Other important features include the Tudor arched doors, stone quoins, plinths, dated lintels, arched surrounds and moulded kneelers. The barn to the north, Old Coach House, is Grade II listed; it dates from the early 18th century and is a two storey three bayed structure of brick in English Garden wall bond with a roof of pantiles. There are areas of timber framing possibly from the 17th century surviving and other features of interest include the wider loading door to the right, the tall segmental-headed central doorway and the brick upper floor level band.

On the opposite side of the road to the west stands the Grade II listed Old Granary, an early 18th century former barn and loft. It comprises of two storeys and three bays built in English Garden wall bond with a slate roof, the first floor has chamfered stone surrounds and the right return to the gable has pigeon-holes with boarded doors. The final building in this group is Crook Hall Farmhouse, an L-shaped building of coursed random rubble with roughly shaped quoins, all openings are modern casements but there are various traces of older openings. The basic fabric of the east /west block is 17th century with an uncompromising 1980's extension.

To the east the recently refurbished Riverside Centre building is a simple modest contemporary building, flat roofed with a rendered frontage and horizontal openings set within landscape grounds.



Image 61 Crook Hall

Framwellgate waterside

Pennyferry Bridge is the most recent addition to the river crossings around the City built in 2003 as part of the Millennium Square development. The bridge takes the form of a horizontal deck with a graceful span supported by three cables running from the top of a single 'A' frame set into the riverbed close to the eastern bank. A specific parapet detail was designed using splayed horizontal rail to lighten the visual weight of balustrading structure. It is a key focal point along the riverside.

The Radisson BluHotel adjacent is a five storey building that has a gently curving frontage with a central glazed projection tower rising above the roofline frontage. The contemporary elevations are broken up by a rhythmic fenestration pattern with a strong vertical emphasis. There are notable changes in materials to break up the buildings massing, on the ground floor it features stone and large aluminium framed glazing panels, above is brick with the roof space incorporating flat roof dormers.



Image 62 Pennyferry Bridge and Radisson Blu Hotel

The National Savings and Passport office building built in 1965-9 is a series of large interlinking blocks of concrete, large in scale and massing rising up to a general five storeys with a larger central block towering above. The building makes no concessions to the historic character of the city but is representative of the age of construction.

The Gates Shopping Centre

The first phase of The Gates Shopping Centre was designed so that it was assimilated into the fabric of the town a response to the local vernacular. The design incorporates different roof forms which break up the excessive roof form of the whole and the large frontage facing the River Wear is carefully modelled with columns and vertical fenestration patterns.

The rear elevation to Milburngate is plainer; there are dark colonnades, excessive areas of dark brown brick and the entrances that are recessed and unwelcoming. Some roofs are flat and roof pitches here are generally less steep. The second phase, by the same architects, is broadly of a similar contemporary design with the addition of a glazed atrium and cast iron pavilion. The general massing is however too prominent and excessive, in addition there are generally few openings, little modulation and too much unrelieved brown brickwork. Although Phase 2 is a more recent addition, it now looks more outdated and the large gateway vehicular entrance to the riverside creates a dark and uninviting environment.



Image 63 Millburngate House

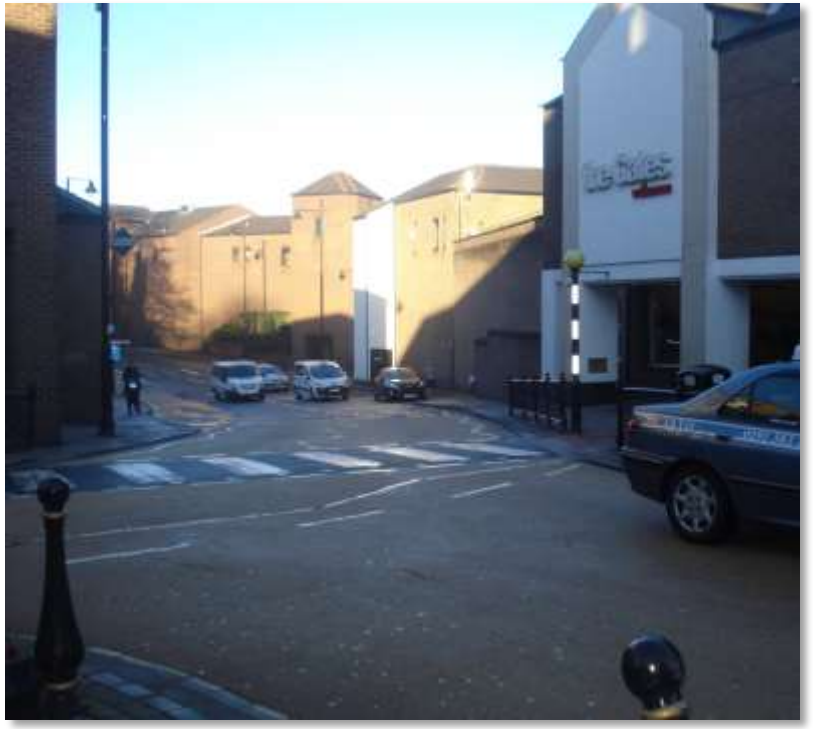


Image 64 The Gates from North Road

5 Important Buildings

Listed Buildings

There are four Statutorily Listed Buildings in this Sub Character Area (the Viaduct Area), refer to the list below and Appendix 1. These are recognised by the Government as being of special architectural or historic interest as specified by the Planning (Listed Buildings and Conservation Areas) Act 1990. Listing is made at three levels of importance Grade I the most important, Grade II* and Grade II. The protection afforded by this legislation applies to the whole of the listed building and any structure attached to it and land within its curtilage. Listed Building Consent is required for any demolition, extension or alteration proposed which might affect its character.

Building Name	*Grade*
Framwellgate Well Head, Framwellgate Peth	II
Crook Hall, Framwellgate waterside	I
Barn west of Crook Hall (west of Crook Hall)	II
Barn north of Crook Hall (north of Crook Hall)	II

Non-designated heritage assets

In addition to the listed buildings above, a number of other buildings and structures combine add to the areas unique built heritage. While not possessing sufficient interest to be listed as of national importance, such buildings add to the general architectural richness and character of the area and it will be important that careful consideration is given to any development proposals that are likely to affect such buildings.

The following buildings are not statutory listed but do make a positive contribution to the character and appearance of the conservation area, and through the planning process could be identified as non-designated heritage assets. There will be a presumption in favour of preservation of any of these buildings without clear justification for their loss in accordance with national planning policy. The omission of any particular building should not be taken to imply that it is of no interest.

Building name

Pennyferry Bridge
Crook Hall Farmhouse (south west of Crook Hall)
The Old Granary, Crook Hall (west of Crook Hall)
The Old Coach House (north of Crook Hall)
Millburngate House

6 Building Materials, Detailing and Features

There is a great variety of different styles and ages of the buildings in this sub character area, arguably more so than any other part of the conservation area, with buildings ranging from simple late Victorian terraced houses at Sidegate, to the important Medieval domestic cluster of buildings at Crook Hall, and the larger modern structures that dominate the riverside.

Walls /facades

In Sidegate the Victorian terraces have red brickwork and include surviving brick built outhouses and brick boundary walls in an English Garden Wall bond. The infill developments tend to be a standard modern stretcher bond, but there are instances where properties have been rendered which detracts from the homogeneity of the terrace.

St Cuthbert's House is a brick built building of two different characters, the northwest facing elevation has an orange engineering brick complemented by the glazed frontage, whereas the rear gable and the elevation on the opposite side are clearly of older brickwork.

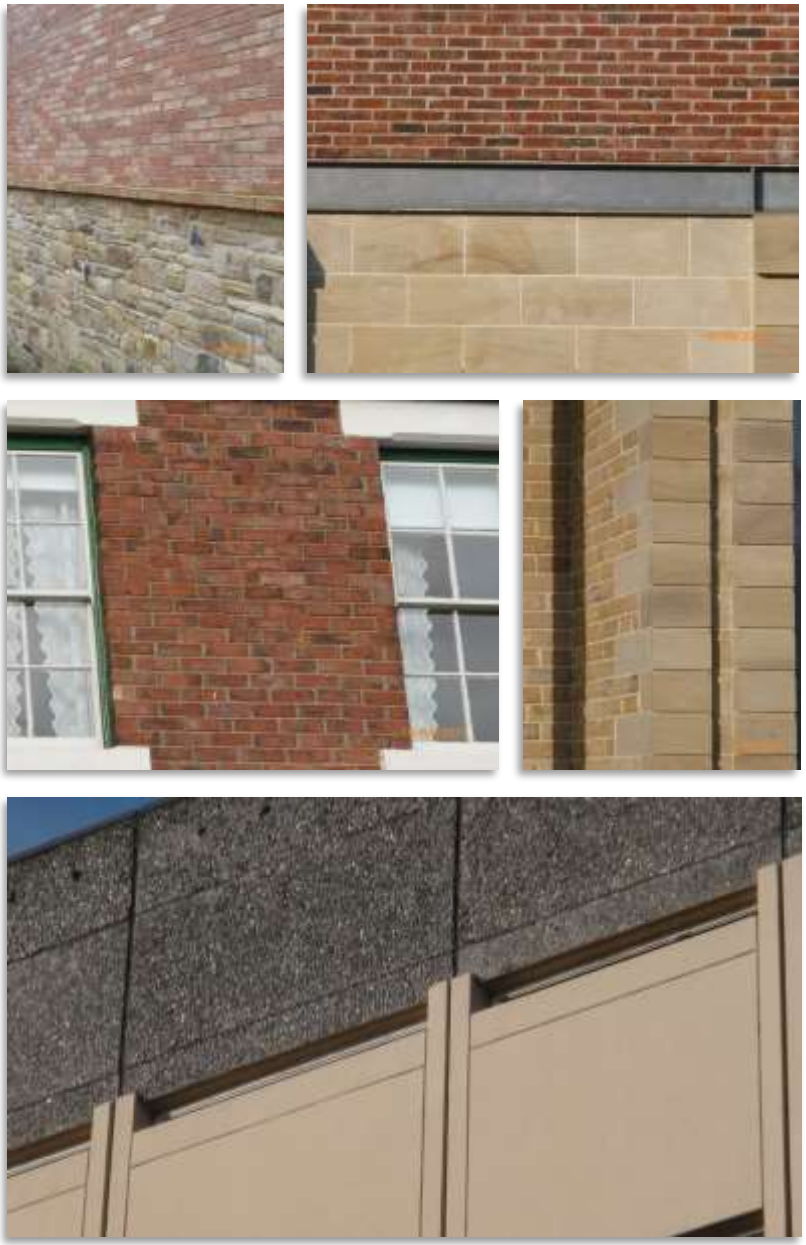
Further south along Sidegate, Bath Cottage is completely rendered masking its historic fabric.

At Crook Hall, the earliest part is of coursed squared sandstone, whereas the later part is of red/brown brickwork in an English Garden Wall bond with ashlar quoins and dressings, and stone gabled copings. The barn to the west is sandstone rubble with ashlar quoins and brick dressings and the barn to the north of the main hall is built from red brickwork in English Garden wall bond. The farmhouse to the south of the main group is coursed random rubble stone with roughly shaped quoins.

In relation to the modern developments, the Radisson Hotel is a mixture of stone, aluminium and brick combining effectively to generate a high quality contemporary façade. In contrast Millburngate House is of a modular concrete construction, and The Gates Shopping Centre is of brown brickwork with plain frontages.



Image 65 (above and facing) A mixed palette of materials



Roofs

The form, materials and detailing of the roofs make a substantial contribution to the character and appearance of the individual buildings. This along with the variation in heights and styles of the neighbouring properties creates distinctive and changing roofscapes, within which contribute significantly to that of the wider townscape of the City.



Image 66 Roofs are generally clad in welsh slate

This is demonstrated in Sidegate where the two Victorian terraces have fine roofscapes, which are visually wide reaching, created by the variation in the building heights as they step down the street. The steeply pitched roofs are Welsh slate and feature a consistent pattern of brick chimneys. In contrast to

this, Framwellgate House and Bath Cottage have low shallow roofs.

At Crook Hall the main house has a notable parallel two bay range at the rear informing two steeply pitched slated gabled roofs. The hall adjoining to the east and the linking structures have a series of interconnecting roofs creating a varied historic roofscape. The most significant is that of the Medieval hall itself which has roof trusses dating back to the 16th century, with truncated principals on tie beams, curved struts and clasped purlins. The roofs are covered with Welsh slate and tall brick chimneys are a feature. The roofs of the barns are much more simplistic; these are singular in form, steeply pitched, that of the west barn covered with Welsh slate, the barn to the north of the main hall of red pantiles. The farmhouse to the south has a steep Welsh slate roof with the 1980s extension of unsympathetic concrete tiles.

The Radisson Hotel has a steep slate roof featuring a central glazed projection that extends into the roofline. The flat roofed dormers, prominent brick chimneys and the ventilation towers feature at either end. In contrast the roof form of the adjacent Millburngate House is flat felt. The Gates Shopping Centre's roofscape uses different roof forms, heights and pitches.

Rainwater Goods

Many of the properties in Sidegate still retain their black painted cast iron rainwater goods, with hopper heads and spiked brackets. The listed buildings of Crook Hall retain their unique black painted cast iron rainwater goods, guttering of different shapes and profile with ornate hopper heads and spiked brackets or stone support brackets. At Diamond Terrace many of the original gutters have been replaced with uPVC, detracting from the quality of the properties.





Image 67 (above and facing) Windows

Joinery, windows and doors

The terraced properties in Sidegate have a mixture of simple vertical fenestration of four paned sash windows with some uPVC and modern timber casement replacements. The terraces additionally have timber panelled doors with the openings defined by stone lintels, stone sills and heads. Extensions and infill developments have contemporary windows, some with stained glass, but retain the vertical fenestration pattern.

St Cuthbert's House has modern vertical glazing and imitation louvres with a fully glazed rounded frontage. Similarly Framwellgate House has uPVC windows with a horizontal emphasis, and the much altered Bath Cottage also has modern uPVC units.

Crook Hall features a mixture of historic windows and doors representing the different periods and building types, ranging from ogee headed lancets, small squared windows, mullion openings to Yorkshire sliding sash and cross windows. There are examples of Tudor arched doors and centred arches and the adjacent barns include segmented headed windows, windows with chamfered stone surrounds, a loading loft door under brick elliptical arch, and timber boarded doors. In contrast the Farmhouse has modern casements and the extension has a prominent regular modern fenestration pattern.

In relation to the modern buildings throughout the character area, the Riverside Centre has horizontal openings in green aluminium which complements the landscape grounds. The Radisson Hotel has a natural rhythm of fenestration and a strong vertical emphasis with large aluminium framed glazing panels and curtain walling, floors two to four have vertical glazing while the fifth floor has flat roof dormers.

Millburngate House incorporates various configurations of metal framed glass.The Gates Shopping Centre has vertical fenestration pattern with brown window frames, bays and panelling. The rear elevation to North Road has plainer frontages with a mixture of vertical windows, rectangular bays and modern shop fronts.

7 Boundaries and Means of Enclosure

The properties in Sidegate have enclosed brick walled yards at the rear and terraced gardens enclosed by stone walls and hedges. At the bottom of Sidegate the resident parking spaces are enclosed by hawthorn hedges and trees screen parked vehicles from view. The Radisson Hotel has a boundary consisting of metal galvanised palisade railings and the adjacent sub -station has low quality metal railings. At the junction of Sidegate and Framwellgate waterside there is a triangular area of space enclosed by very low walls and the long stay car park opposite is enclosed by painted railings at the front and scrub vegetation at the rear.



Image 68 Sidegate boundaries

Framwellgate House office development has an open entrance but to the rear the land is enclosed by a mixture of timber railings and ranch type fencing that complements the countryside beyond. Along the riverside trees, scrub vegetation and grass banks provide an effective boundary to the banks of the river that links up with the farmland beyond. On the opposite side of the road are hedges, trees and shrub planting to the boundaries with the Riverside Centre and Crook Hall that create a fine sylvan streetscene.

Within Crook Hall the Medieval buildings and barns are enclosed in part by Medieval walls. The vehicular driveway up to Crook Hall features important random stone coursed walls in contrast the car park adjacent is surrounded by metal galvanised palisade fencing which is incongruous in this historical context, however climbers and hedges have been planted and conceal this. The farmland to the rear of Crook Hall is undulating sloping land surrounded by tree and hedgerow field boundaries.

Southwards along Framwellgate waterside painted cast iron railings can be found which is dominant in the river frontage. The elegant railings and slender handrail to the Pennyferry Bridge merge carefully together with the riverside railings and provide effective barriers.







Image 69 Rivers edge at Framwellgate





Image 70 Crook Hall stone walls and palisade fencing







Image 71 Looking towards Highgate and along Milburngate Bridge towards Millennium Place

A coordinated approach has been adopted to the frontage of the Radisson Hotel where a soft barrier has been created by the sloping flower beds bordered by contemporary railings and matching post and handrails to the stone steps. To the front of

Millburngate House the only boundary treatment is the horizontal timber and metal post fencing to the south block.

The open space to the rear of Millburngate House and the Radisson facing Framwellgate Peth and on the corner of Leazes Road is enclosed by concrete railings that provide an effective boundary and screen. Adjacent to the pavement there is a crash barrier along the busy dual carriageway. At the busy road junction there are galvanised railings, a prominent feature in the streetscene and continuing onto Milburngate Bridge.

At The Gates Shopping Centre there are cast iron railings adjacent the river along the public walkway. The frontages vary in terms of boundary treatment, with most of the building hard on the pavement at Milburngate, North Road and Leazes Road. At the entrances railings have been provided and overlooking the river there are brick walls and some railings.

8 Open Spaces and Trees

The sub-area incorporates a number of open spaces which contribute to it character and appearance the most significant being the river side are to the northeast. Here the abundance of trees, scrub vegetation and the grass banks themselves provide an important green linear finger and wildlife corridor that links up with the surrounding open countryside. The lines of trees on the north side of the road play an important function in screening the gas distribution station and depot buildings adjacent. Also of note in this area is the dense wooded area to the north that provides an impressive green backdrop to the riverside, and extends out of the conservation area to the railway line.

The Crook Hall complex includes historic restored gardens which open to the public and visible from the riverside. This is a series of separate garden spaces linked together by trees, walls and hedges. Some of the existing gardens date back centuries possibly to Medieval times, others are more recent additions. The highlight of the site is the historic secret walled garden - a traditional English garden with colourful flower beds including a variety of species.

Surrounding Crook Hall are many trees in lines and small groups with a denser area to the west. These are important in enhancing the setting of the Medieval site and provide separation and natural screening to the adjacent car park.



Image 72 Important unmanaged riverbanks



Image 73 Crook Hall restored historic gardens



Image 74 Incidental spaces screen buildings

The wider surrounding farmland to the rear of Crook Hall is undulating sloping land surrounded by tree and hedgerow field boundaries, it provides a rural setting wrapping tightly around the cluster of buildings. The historic hedgerows are representative of the pre-industrial use of the land.

The remainder of the character area features little in the way of notable public open spaces, however there are important incidental spaces which have a positive impact on the appearance of the area including the corner plot of green space and the grass verge adjacent to the sub-station and car park. The sloping wooded embankment to the rear of Millburngate House extends up to Sidegate to the north and wraps around to Leazes Road Bridge in the south. This plays a pivotal role in partially screening the modern buildings along the riverside in views from the western sector to the City.

9 Views and Vistas

Looking southwards down Framwellgate Peth there are unfolding views across to Durham Cathedral and the roofscape of the City. Continuing along this route St Godric's comes into view with the Church and former Convent key focal points.

Within Sidegate the sense of enclosure formed by the terrace houses and stone boundary walls, provides notable channelled streetscape views which, at the lower end of the street, unfold out to the riverside.

Within this area views vary enormously; in the northern section of the road there are unbroken views of the green and tree lined riverbanks across to The Sands which appears rural in character. These change dramatically at the junction with Sidegate heading southward where they become urban in nature dominated by the modern blocks of development. However from the front of Millburngate House, the Castle and Cathedral can be seen rising above the road bridge and the rooftops.

The most notable views within this area are from The Gates Shopping Centre where from both the riverside level and the high external walkway, the full extent of the Castle's impressive west range and the Cathedral Towers can be seen in addition to the evolving cityscape.

Within Crook Hall there are fine and varied views from the main garden looking across the herbaceous borders down to the river and the townscape, and from within the complex itself there are many short range views of the Medieval buildings and out across the restored gardens.







Image 75 (above and facing) Key views







10 Activity

The riverside environment is highly active, used for informal recreational activities such as dog walkers, joggers, cyclists and anglers. It is also a popular route into town for local residents, workers and shoppers to walk along and cross the river at Pennyferry Bridge to The Sands car park area and the nearby facilities. The seating areas are well used by visitors, residents and local employees.

Crook Hall is a very popular visitor attraction all year round, for families, tourists, general visitors, schools and special interest groups.

The Riverside Centre is in use as office accommodation as is Millburngate House; presently partially vacant. The Radisson Hotel next door is a lively busy hotel /spa and conference centre providing facilities for many tourists/visitors.

The Gates Shopping Centre provides a mixture of shops, cafes and restaurants both small and large units. At the time of writing the shopping centre is approximately two thirds full, and is fairly quiet out of peak times. Below the mall are flats, storage facilities, a nursery and gym, all these uses are utilised and fairly busy. Adjacent to the riverside are more flats and a restaurant / bar. The car park block is surprisingly well used despite being hidden away and the large service yard is a hive of activity to service the uses above and adjacent. Planning Permission was recently granted for a mixed use redevelopment of The Gates site including housing, retail and a cinema.

Sidegate is a quiet residential street, blocked so to restrict access onto busy Framwellgate Peth, however it is used as a pedestrian shortcut leading down to Framwellgate waterside.

To the rear Framwellgate House is the home of the Durham FM radio station that generates little vehicular activity. At the bottom of Sidegate there are informal resident parking spaces and close by, a larger Council run long stay car park that is busy throughout the week.



Image 76 Wide range of materials in the public realm

11 Public Realm

Pathways beyond the railway bridge down Framwellgate Peth are in tarmac, there is a small area of granite setts adjacent the Framwellgate Well monument with a seat and crash barrier. There are crash barriers further down Framwellgate Peth and galvanised railings, traffic lights and signage at the busy junction creating a cluttered environment.

In Sidegate steps and railings lead down to the narrow enclosed street covered in granite setts. Concrete steps, tarmac pathways and galvanised plain railings detract from the hard surfacing. Around Framwellgate House the surfacing is rough tarmac within an unsightly open entrance and car park, and the area is fairly cluttered with signs.

At the bottom of Sidegate there is a public car park with tarmac surfacing and the area opposite next to the substation is a triangular area of open space. Adjacent to this are two grass promontories /traffic islands with street lighting and signage.

To the north along the riverbanks the surfacing is entirely of tarmac as is the surfacing to Crook Hall car park. The surfacing up to Crook Hall is in keeping to the historic environment including stone flags and setts, pea gravels and timber boarding. The street furniture throughout is coordinated and of good quality. Along Framwellgate waterside the tarmac pavement dominates the streetscene with bordered railings.



Image 77 Public realm around The Gates

Along the riverside there are tarmac pathways, while the timber backed serpent cast iron seats and litter bins located within the grass verges appear appropriate to the setting.

The Radisson Hotel has a very open frontage consisting of shrub planting beds, flagged paving and steps and contemporary railings which combine to enhance the entrance and setting of the building. At the junction with Millburngate House there is limited open space, mainly tarmac vehicular access points with barriers, concrete seats and planters in flagged patio areas.

Milburngate car park is accessed via a dark and poorly maintained stairwell, leading to a rear service yard entrance and the riverside, an important public route. Milburngate riverside has a well-considered treatment to the public realm informed by brown pavers in the pathways, cast iron railings adjacent the river, slatted seats and lighting with ornate lanterns. A new LED lit seat was recently added as part of the Durham Lumiere Festival.

This is in contrast to some of the convoluted routes through the complex that have a mixture of concrete flagged spaces and modern lighting. Entrances to Milburngate vary from Yorkstone and concrete flags at Framwellgate Bridge and North Road, to tarmac at Milburngate Bridge. Within the shopping mall there is a light treatment to surfacing, white smooth tiles and simple contemporary railings and entrance canopies.

12 General Condition

The pathway down Framwellgate Peth past the railway bridge is in good condition, with an area of granite setts adjacent to the Framwellgate Well monument which was recently re-laid. The timber seat here though needs to be replaced. The flags across Milburngate Bridge are in good condition; the galvanised railings are a prominent feature at the busy junction and along the bridge appear tired and dated.

In Sidegate the granite setts are in excellent condition but the concrete steps and galvanised plain railings detract from the hard surfacing and need attention.

The Victorian terraced town houses are generally in good order as are the gardens to the rear; however uPVC doors and windows are starting to encroach.

Framwellgate House has a very tired appearance and requires maintenance and general attention. The open entrance and car park in tarmac is poorly surfaced and appears cluttered, and the fencing and boundary treatments to the rear are dilapidated in places.

At the lower end of Sidegate the tarmac surfacing, painted hand rails and signage posts in and around the public car park are in good condition. The area around the substation appears unsightly with the triangular area of open space adjacent is a dilapidated space. The grass traffic islands adjacent appear to be in good order.

Along the riverbanks to the north the tarmac road is patched in places and is degrading at the far end, while the tarmac pavements are in better condition. At the end of this road the Riverside Centre building and its grounds appear to be well maintained.

The buildings at Crook Hall appear to be in very good condition. The landscaped gardens and grounds are well manicured, and the pathways within the grounds are in excellent condition.

Along Framwellgate waterside the cast iron railings along the river, the elegant railings and slender hand rail to Pennyferry Bridge and the bridge itself are in good condition. The tarmac pathways, seats, litter bins and parking meters along the riverside pathways appear well maintained. The frontage of the Radisson Hotel again is in good condition and appears to be regularly maintained. In contrast Millburngate House suffers from a general lack of maintenance and the grounds are suffering from neglect.

The condition of the frontage to The Gates Shopping Centre is very variable The treatment of the public realm in the first phase is excellent and well maintained yet close by, where the Passport Office meets the car park, the public realm is un-maintained. The shopping centre itself is generally in reasonable order but unfortunately phase 2 of the development appears tired, dated and generally uncared for.

13 The definition (or Summary) of Special Interest

This section of the document defines the 'special architectural or historic interest of the Milburngate/Sidegate/Crook hall Sub Character Area that warrants its designation and conservation area status, the 'character or appearance of which it is desirable to preserve or enhance'. The area has been evaluated and described in detail in the previous sections the sum of these values and the key elements identified though the appraisal process, are below:

The area is of interest in historical terms as it largely represents the 20th century expansion of the "new" city, yet retains a number of features of historic significance. The area began life as a 16th century slum from which Framwellgate branched off as an important route that headed northeast towards an ancient spring. Clearance works in the early-mid 20th century completely reshaped the area leading to many substantial modern developments. Today Sidegate is the only remnant left of the original Medieval street plan of this sector of the city. The other significant historic site is Crook Hall, the most important Medieval domestic building in Durham outside of the Cathedral and Castle complex.

Architecturally, this area varies more so than any other within the City with buildings ranging from the 1960s concrete block developments such as Millburngate House, the slightly later The Gates Shopping Centre that attempts to assimilate itself into the historic cityscape, the uniformed red brick Victorian

terraces of Sidegate and Diamond Terrace, the stone built Medieval Crook Hall and its associated former agricultural buildings and Georgian townhouse, and the contemporary Radisson Hotel.

The setting of the historic buildings and spaces are enhanced by surviving floorscapes and some sections of traditional boundary treatments. With those around the modern developments and forming the public realm are generally appropriate to the context.

Within this area the topography and geology has had a significant impact on the history, built form and land uses of this sub-area. It contains flat, low lying areas in the floodplain of the River Wear, with outer slopes rising steeply to the lower reaches of the Durham Bowl. The river and riverbanks provides an important green and wildlife corridor linking the farmland slopes and grounds of Crook Hall with the landscape in the rural fringe and The Sands opposite. The riverside area itself is a significant linear finger of open space that comprises of formal grass verges and informal scrub vegetation on the eastern riverbanks.

To the north are the historic landscaped gardens of Crook Hall, and beyond scrubland and uneven farmland leading up to the railway line. These elements drawn together create an evolving environment of high landscape value that have significant interest and are extremely important in terms of backdrop and setting to the Cathedral and the city centre.

It is the unique topography, landscape, history and buildings that create an environment of high significance in this sub character area. The high scenic quality and character of its open spaces, i.e. the riverside, the grounds and trees of Crook Hall and the farmland beyond, combined with the diverse character of its buildings provides an interesting townscape, and setting to the Cathedral that contributes significantly to the character of the whole conservation area.



Image 78 The Sands setting

Sub Character Area 4 - The Sands/Riverside

1 Location and Boundary Description

The Sands sub-character area lies within the north eastern sector of Framwellgate where its boundary is well defined to the south by Freemans Place, the northern sections of Walkergate/Millennium Place and the Telephone Exchange in Providence Row. The River Wear and the riverbanks form the northern and western boundary, whilst the eastern boundary merges into a continuation of the riverbanks with housing in Wearside Drive to the rear and then extends into Providence Row.

The river, riverbanks and The Sands area provide a green finger of open space linking the wooded slopes of the riverbank and the Peninsula with the landscape in the rural fringe of the eastern part of the conservation area. The area essentially comprises of four main elements; The Riverbanks and the new Freemans Quay offices, The Sands area, Freemans Quay Leisure centre area and St Nicholas cemetery.

2 Setting

The River Wear, the riverbanks adjacent and the farmland on the northern slopes that wrap around the rear of Crook Hall provide a wider green backdrop to the north of this sub-area

where the tree and hedgerows of field boundaries create a green setting.

Directly to the north of the river is very urban whereas the more immediate setting is formed by the River Wear and the riverbanks to the east and north that continue the River Wear corridor with grass and wooded banks. The location in the floodplain provides a green open setting of high scenic value, and an important wildlife corridor.

To the south, the townscape of Claypath provides a dense urban setting of high historic and architectural quality. This continues to the west with the backdrop of St Nicholas Church, the Town Hall and the rich architecture of the Market Place and Silver Street.



Image 79 Modern development at Millennium Place/Walkergate

3 Form and Layout

Along the riverside and Freemans Place the form and layout has been influenced by the former milling/industrial uses here in contrast to the Medieval street pattern found elsewhere within the conservation area.

Freemans Place is accessed via Walkergate which is a short route to the south leading off Leazes Road and curves sharply beneath the road bridge. Freemans Place runs northwards in a straight line parallel to the River Wear and then curves eastwards to its junction with Providence Row. This divides the area in two, with the land on the west side the site historic milling activity and that on the east former carpet manufacturing.

The eastern area is, at the time of writing, being redeveloped as an office development, information kiosk, and public realm works, with the open car/coach park to the north retained.

The western area is much denser and dominated by the Millennium Place development which comprises a number of large scaled detached contemporary buildings of various forms. This is interlinked by steps, spaces and terraces built up to the Gala Theatre and Library around the main public square. Immediately to the north at lower ground level is the Freemans Quays Leisure Centre, a large contemporary sculptural building set back from the main street frontage.



Image 80 Millennium Place looking towards the Gala Theatre



Image 81 The Sands open green space

To the north is the Sixth Form Centre; the main building consisting of a symmetrical block fronting onto the river with two classroom wings extending out to the east. Within the grounds is a squat lodge house fronting Freeman Place, coach houses and outhouses facing the car park and a detached curved art centre building overlooking the main courtyard to the front. The buildings are set well back from the street frontage behind open playing fields and tennis courts. As a result the main block has significant presence in the lower part of Providence Row.

The Sands, directly to the north, is a large riverside green within the flood plain. It is a very flat open space which provides an important transitional element between the denser part of the character area and the more open and rural environment at Kepier to the east.

Near to the junction of Freemans Place and the northern end of Providence Row, on the east side of the street is St Nicholas Chapel and its associated cemetery. Here the land rises very steeply from street level to the rectangular chapel, which stands in the very centre of the loosely square cemetery surrounded on three sides by a mixture of Victorian terraces and modern housing. The cemetery is enclosed by high stone walls with the entrance defined by tall pillars; to the north of the entrance is the detached youth centre building.

4 Architectural Character

There are only a small number of notable historic buildings within this sub-character area. The Sixth Form College consists of a number of Edwardian buildings. The main school building features an ornate frontage with a central rounded bell tower in lead with finials above and adjacent towers on the wings projecting forward. The roofs are set back behind ornate brick parapets and are in natural slate with ridge tiles. The frontages are in red brick with brick and stone string courses, pediments and window surrounds and clay tiles. The windows vary on the main building, with rounded first floor openings, curved bay windows, sliding sash windows, and top hung casement openings. The main entrance door is timber painted. The rear projecting wings attached display similar quality in walling and roofing materials but the details and the fenestration patterns are generally less grand.

The overall architectural quality of the building is somewhat compromised by the insensitive large 1960's classroom addition that swamps the main entrance. This large block is built in light brown brick with extensive walls of glazing and grey panelling. Window openings are large glazed horizontal windows with white aluminium frames.

Of the ancillary structures within the site the building fronting the car park is the most noteworthy with map evidence dating it between 1899 and 1923. This is of interest because of its age, and its original architectural character in keeping with the style of the rest of the original College.



Image 82 The Sixth Form College and ancillary buildings



Image 83 Chapel of St Nicholas



Image 84 Freemans Quay Leisure Centre

The Chapel of St Nicholas is a simple Victorian mortuary chapel. It is constructed in coursed sandstone with a steeply pitched natural slate roof built in the Victorian Gothic style. It has arched stone surrounds to the solid timber painted doors and tripartite windows. However the original stained glass has been replaced by infill bricks.

The former ice rink sink has been recently redeveloped as new build offices for the National Savings and Investment government department, with a second phase Passport Office due to be completed in Summer 2016. The buildings are in red brick with expansive glazing, and are partially hydro powered by an Archimedes Screw - itself a new feature of the waterside.

The Freemans Quay Leisure Centre is a contemporary building that has a large sculptural element with large columns supporting beams extending out towards the avenue of trees in Freemans Place. The building is constructed in glass, timber panelling, cladding and curtain glazed walling. The roof is extensive and has a distinctive curve covered in grey felt. The building features extensive areas of glazing including to the swimming pool that has been etched with scenes of pre-historic plants.

The Arts Centre within the Sixth Form Centre grounds is a contemporary building featuring a curved frontage and central tower. The building is constructed in white cladding creating a distinctive frontage to the College. The roof has an overhanging parapet to the extensive flat roof above and the

windows have a strong vertical emphasis at ground floor with square openings above. The black frames are set in the walls and recessed, and it has glass entrance doors.

The Youth Centre is a simple building that sits quietly in the street. It has a very prominent steep sloping roof in slate, with overhanging eaves and a gable projecting forward fronting Providence Row. The frontage is in a brown brick with cream render, it has few windows and painted timber doors.

The Sands Flats adjacent is a large block of maisonettes, built in the 1960's; the blocks are quite simple, stepped, and utilitarian in design. The blocks are two to three storeys in height and have extensive pale buff/brown brick frontages with little relief other than the window openings. The roof is very shallow and in dark brown concrete tiles and pays little respect to the surrounding slate roofs. The windows have been recently replaced by uPVC and are large horizontal and rectangular casement openings. Doors are modern white uPVC openings.



Image 85 Youth Centre and Sands Flats

5 Important Buildings

Listed Buildings

There are no statutorily listed buildings in this sub-character area. However there are a number of other buildings and structures combine add to the areas unique built heritage. While not possessing sufficient interest to be listed as of national importance, such buildings add to the general architectural richness and character of the area and it will be important that careful consideration is given to any development proposals that are likely to affect such buildings.

The following buildings are not statutory listed but do make a positive contribution to the character and appearance of the conservation area, and through the planning process could be identified as non-designated heritage assets. There will be a presumption in favour of preservation of any of these buildings without clear justification for their loss in accordance with national planning policy. The omission of any particular building should not be taken to imply that it is of no interest.

Building name

The former Durham County School buildings
The former Durham County School walls
The Mortuary Chapel, St Nicholas cemetery
St Nicholas cemetery Stone walls and gravestones

6 Building Materials, Detailing and Features

Although there are just a few buildings in this area, there are a variety of different styles and ages of properties ranging from the simple Victorian Gothic architecture of St Nicholas Chapel, to the Edwardian cluster of former school buildings set behind the modern post war additions at the Sixth Form College, to the dramatic presence of Freemans Quay Leisure Centre in Freemans Place which combine to create a diverse and interesting built form.

Walls /facades

Within this sub-character area no single building material dominates. The oldest Sixth Form Centre buildings are constructed from red brickwork used also for string and eaves courses, and in some window surrounds. The bonding pattern, colour and tones of the brickwork vary giving an indication of how the building has evolved overtime.

The outbuilding overlooking the car park is built from dark red brick and includes flat-arched brick heads to the windows, the surrounding walls are of a similar material. The small Lodge/Caretakers House is also built of the same red brick with brick dentils under the eaves at the front. The 1960s classroom addition is built in brown brick with extensive walls of glazing and grey panelling.

Stone is much less common within this area, the only notable example is St Nicholas Chapel built of coursed sandstone with a stone plinth, stone architraves and arched surrounds to the windows and main door. The stone walls that surround the site are built in a similar stone.

The Sixth Form Centre features some stone detailing with stone clad columns to the rear and decoration to the rear parapet.

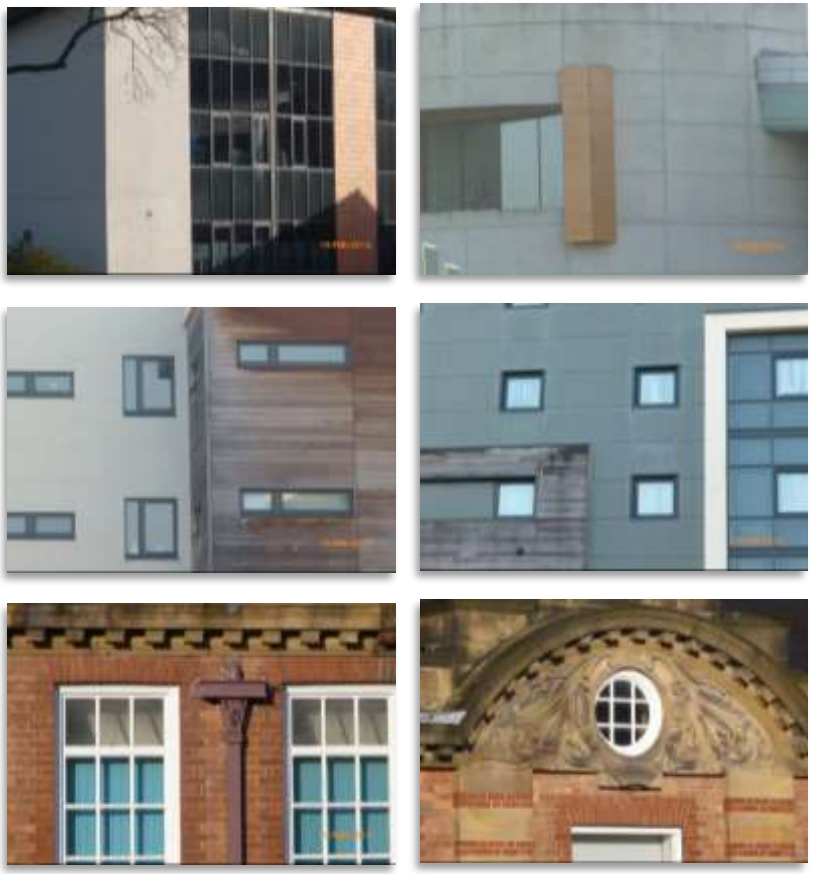


Image 86 Materials vary from red brick to concrete and glass

In relation to the modern buildings Freemans Quay Leisure Centre is constructed in glass, timber panelling in a smooth honey brown finish with cladding and curtain glazed walling. The Sixth Form Centre's Arts Centre close by is constructed in white cladding whilst the Youth Centre to the front of St Nicholas cemetery has a frontage of brown brick with cream render. The Sands Flats adjacent are constructed from a pale buff/brown brick.

Roofs

The Sixth Form Centre has an interesting and varied roofscape. The main school building has a steeply pitched roof of natural slate, set behind a parapet, broken up by towers on the wings, it also features a central rounded bell tower in lead with finials. The outbuildings facing the car park have steep stepped pitched roofs of slate with a small brick built chimney. The classroom wings are again of slate and feature water tables, brick chimneys and overhanging eaves. The lodge at the front of the site has a hipped slate roof with a tall central chimney.

The 1960s classroom addition to the front has a large extensive flat roof with a felt covering hidden by a parapet. The roof of St Nicholas Chapel is steeply pitched covered in slate with red ridge tiles and finials.

The Arts Centre building in front of the Sixth Form Centre has a flat felt covered roof with overhanging eaves. The Youth Centre features a prominent steep sloping roof in slate. The Sands Flats adjacent features a stepped roof in dark brown concrete tiles which is in contrast to the surrounding slate roofs.

At Freemans Quay Leisure Centre the roof is extensive and fairly complex with its main section featuring a distinctive curve.

Rainwater Goods

Many of the older former Edwardian School buildings and the Victorian Chapel nearby still retain their black painted cast iron rainwater goods, with hopper heads and spiked brackets.

The post war school additions and The Sands flats have replacement uPVC guttering. This has had a negative impact on some of the facades especially where uPVC has faded with age, and been attached to modern bargeboards / new brackets. The Youth Centre has cast iron rainwater goods, the guttering is well concealed under the overhanging eaves. The Freeman's Quay Leisure Centre has neatly designed rainwater goods incorporated within the large sculptural elements, designed as part of large columns and extended beams.

Image 87 Roofing and rainwater goods



Joinery, windows and doors

The historic buildings at the Sixth Form Centre incorporate a mixture of window openings from rounded windows, curved bays, timber sliding sash windows and top hung casements seen in the frontage, to the tall 15-pane sashes to the rear.

The modest lodge building at the front features large sash windows recently replaced with faithful replicas. The outbuildings have only a few window openings some boarded up, but the large cart-door type openings and timber doors have been retained.

The 1960's classroom incorporates large glazed horizontal aluminium windows on the front elevation. The Arts Centre windows have a strong vertical emphasis on the ground floor with square openings above.

St Nicholas Chapel features arched windows and tracery windows as wells as an arched boarded timber front door. The Youth Centre nearby features simple painted timber double doors and fanlight. The Sands Flats adjacent has uPVC windows horizontal and rectangular casement openings; the doors are also in white uPVC.

The Freemans Quay Leisure Centre building has extensive areas of glazing with a glazed wall along the north elevation featuring etched scenes.

Image 88 (left) Material details

7 Boundaries and Means of Enclosure

Boundaries along Providence Row directly in front of the St Nicholas cemetery and the Youth Centre consist of random stone walls with copings (Image 89 top row). On the opposite side of the road there are low brick walls with brick piers and railings to the Sixth Form College (Image 89 bottom row). At the south end around the car park the brick wall give way to timber fencing; all of these types of enclosure are important components within the streetscene. The Sands is entirely surrounded by birds-mouth style timber fencing which is appropriate to its riverside and informal setting.

Along The Sands riverbanks the boundary is defined by informal dirt pathways and steps that run along the open grass riverbanks facing the River Wear. On the eastern boundary to the car park there is a fine avenue of trees running parallel with Freemans Place. The adjacent coach park has a dense tree and hedge boundary. The coordinated black painted hand rails leading from the car park form an effective boundary preventing car park users cutting through the planting to get to Pennyferry Bridge.

Along Freemans Place, the series of spaces within the Sixth Form Centre grounds i.e. the tennis courts, the outdoor classroom to the arts centre and the woodland glade are enclosed by trees, hedges and fences.



Image 89 Providence Row and the Sixth Form

Southwards in front and to the side of Freemans Quays Leisure Centre there are distinctive artwork railings that weave along the roadside. In front of the pool there is a pathway with railings behind, and an avenue of trees that encloses the street. Along Freemans Place there are low brick walls in front of the Premier Inn, then extensive high stone walls to the Walkergate Development.



Image 90 Sands riverbanks, car parking, artwork railings

8 Open Spaces and Trees

The most significant area of open space within this character area is The Sands, a wide open expanse of grassland located adjacent the River Wear. The area is completely flat and lies in the floodplain. It links up with the tree lined riverbanks to Kepier and the farmland to the east; it is an important wildlife corridor and provides a very open green setting to this part of the city centre.



Image 91 The Sands

St Nicholas cemetery is another significant space tucked away behind high stone walls that front directly onto Providence Row, it is a sloping site rising up to Claypath. At present the cemetery has a wilderness like quality and contains a number of important mature trees, with open swathes of grass and informal grass pathways leading up to the mortuary chapel and housing estates beyond.

Southwards along Freemans Place on the west side there is a public car/coach park, where Pennyferry Bridge provides a link to the west bank of the river, it is effectively screened by trees which have visual amenity value.

Opposite the Sixth Form Centre there are many open spaces, and although private they are very visible from the surrounding public realm, notably the flat open playing fields adding greenery into the street frontage and the lines of trees around the tennis courts. To the rear there is a woodland glade with large mature trees of some worth.

Further south there is a small area of planting adjacent the service yard providing a break in the urban streetscene.

Directly in front of the Freeman's Quay Leisure Centre entrance and at the side, there is designed paving and planting, and along the side of the swimming pool there is a flagged pathway and low level lighting scheme behind a fine avenue of trees.



Image 92 St Nicholas cemetery, Sands car parks and tree screen



Image 93 Riverbanks, road around the Sixth Form and space in front of Freeman's Quay

9 Views and Vistas

Views into St Nicholas cemetery through the enclosed entrance of the stone walls provide a glimpsed view of the mortuary chapel with overhanging trees.

Along Providence Row a strong sense of enclosure formed by the terraced houses, the Sixth Form College and cemetery walls, generates channelled streetscape views opening out to those of The Sands area and the river beyond.

Views from The Sands and the Riverside vary, in the north they consist of those of the tree lined river banks, and across to the building of Crook Hall nestled within the landscape which appears rural in nature.

Views from the river frontage on the north side looking back in the direction of The Sands are of St Nicholas Church spire and the Cathedral Tower in the skyline.

Views from The Sands to the south east are of the back of Claypath properties, with the varied roofscape and the United Reform Church Spire (Christ Church) rising high above.

Further to the south are notable views of the buildings to the rear of the Market Place, with St Nicholas Church and the Town Hall dominating the townscape.

From Freemans Place and under Milburngate Bridge there are dramatic views of the river and the weir below The Gates

Shopping Centre. Views from the bridge of itself include impressive views to the Castle and Cathedral.

Views along Freemans Place of Walkergate and Millennium Place are limited by the scale of the high wall above the tunnel, these walls however channel the view of the Premier Inn. Further south are glimpsed views of Freemans Quay Leisure Centre through the avenue of trees, with the original college buildings behind.









Image 94 Views around the character area

10 Activity

The open extensive grassland of The Sands provides informal footpaths to the riverbanks and farmland beyond to the east which is used by dog walkers, local residents and the occasional visitor with anglers regularly be seen on the riverbanks. The Sands is used for informal recreational and other activities and the Freemen of the City (the Trustees of The Sands) allow various organised events occasionally throughout the year, e.g. funfairs and circuses.

Westwards from The Sands, the riverbanks become more formal with the busy Sands car park and coach park fronting onto the narrow banks. This is also a popular route for local residents and workers to walk along and cross the river at Pennyferry Bridge from Framwellgate waterside area. Close by is the local dropping off/pick up point for coach passengers and visitors.

St Nicholas cemetery is no longer in use; however it is an important green space with well-used routes as well as a wildlife haven. To the south the Youth Centre is in active use with occupied flats adjacent.

The Sixth Form College provides educational facilities with the Art Centre providing state of the area facilities. The grounds provide a series of formal and informal sports spaces associated with the school and staff car parking.

Freeman's Quay Leisure Centre is well locally with a 25m length pool, gym and other associated facilities. The Sands car park and adjacent multi storey car park in Walkergate provide parking with access off Freeman's Reach.

The former Ice Rink site is presently being developed as a large and extensive office development fronting directly onto the riverside, powered by the Mill Race close by and the riverside will be opened up to improve access. This will also include other uses such as restaurant, cafes, information kiosk and public seating areas etc.

11 Public Realm

In Providence Row the pathways directly in front of St Nicholas cemetery and the Youth Centre are in tarmac and concrete flags, with little street clutter. Adjacent to the Sixth Form College is a narrow tarmac pathway with occasional lighting columns. The small car park has a rough surface in chippings and is surrounded by a birds-mouth style timber rail fence with parking meters and signage.

The birds-mouth fencing continues along the south eastern and western edge of the open space. To the riverside frontage here there is an informal grass pathway seating, litter bins and a life buoy.



Image 95 Tarmac and flag paving

The Sands public car park has Tegula block pavements and co-ordinated cast iron black painted hand rails, bollards and signage posts, with the contemporary style railings at Pennyferry Bridge complementing the traditional style. The bridge has a resin bonded gravel surface linking to the tarmac pathways along Freemans Place, with a resin bound surface at the coach dropping off point. Adjacent is a small seating area with picnic tables and to the junction with Fowlers Yard there is a muddy grass verge and trip rail in timber.



Image 96 The Sands car park, Pennyferry Bridge and railings to informal pathway



Image 97 Freemans Place

Eastwards along Freemans Place the surface changes to a flagged pavement in front of the entrance to the steps and lift area to Walkergate and Millennium Place. There is relatively little street clutter along Freeman's Place just the occasional signpost. In front and to the side of the Leisure Centre entrance there are well-designed coordinated contemporary seating, litter bins and cycle racks and in the front of the pool there is a flagged pathway and low level lighting scheme and trees.

12 General Condition

The pathways down Providence Row and near to St Nicholas cemetery and the Youth Centre are in good order as are the stone cemetery walls and the Sixth Form College railings. The surfacing to the small car park near The Sands is in a deteriorating condition, where The Youth Centre opposite is in good condition, with the adjacent block of flats recently refurbished. The Sands is well maintained with the informal grass pathway along the edge in reasonable condition.

St Nicholas cemetery is slightly overgrown as a managed wild space. The isolated mortuary Chapel has been occasionally broken into and vandalized, but is in a reasonable condition despite a general lack of maintenance and boarded up windows. The Sands public car park has recently been resurfaced and is in very good condition, in contrast the coach park surface has patched tarmac. Pathways along Freemans Place are in good order.

Further towards the city centre the walls to Walkergate and the entrances to the service yard/lift and the landscape planting area are in good condition. In contrast the steps leading up to Millennium Square are in deteriorating condition, with rusting railings, however the flagged pavement in front of the entrance to the steps and Walkergate are in good order and this continues past Premier Inn and the Freeman's Quay Leisure Centre.

The public realm area in front of the Leisure Centre entrance is well cared for and the distinctive railing artwork feature along the boundary is in good condition. Freemans Quay Leisure Centre is in good condition, although the gutters incorporated within the columns and sculptural elements may be leading to some staining of concrete.

At the Sixth Form College the very visible car park area is cluttered with signposts, bollards and barriers, the outdoor woodland classroom appears well-tended, but the woodland glade to the rear appears neglected. The College's main entrance and enclosed landscape space appear well cared for. The Arts Centre is in good order, the adjacent 1960's flat block has recently been refurbished as has the lodge, and in general the original school buildings appear in good order retaining many of their original details and high quality materials. The former coach house and stables may require some attention in the future.

13 The Definition (or Summary) of Special Interest

This section of the document defines the 'special architectural or historic interest of The Sands/Riverside sub-character area that warrants its designation and conservation area status, the 'character or appearance of which it is desirable to preserve or enhance'. The area has been evaluated and described in detail in the previous sections the sum of these values and the key elements identified though the appraisal process is articulated below:

The relatively flat terrain of the sub-character area has had a significant impact on the history, built form and land uses of this sub-area. Most of this sub-area lies within the flood plain of the River Wear; with some parts of the riverside area being undeveloped land historically and others became centres of industries concentrated along the mill race.

In architectural terms, there is generally little built form in this sub-area, but there are a number of key landmark buildings in their landscape setting, such as the mortuary chapel at St Nicholas Church and the Edwardian former school buildings set in well maintained grounds contained by the busy thoroughfares of Providence Row and Freemans Place. On the whole these historic buildings remain discernable and intact, although none are listed, some of these buildings could be identified as being non-designated heritage assets. The built form also includes distinctive contemporary buildings forming part of the "new city" such as Freemans Quay Leisure Centre.

The setting of the buildings and the open spaces are enhanced by a mixture of boundary treatments.

The river, riverbanks and The Sands area provide an important green and wildlife corridor linking the wooded slopes of the riverbank and the Peninsula, with the landscape in the rural fringe of the eastern part of the conservation area.

The Sands area itself is a significant area of open space that extends effectively into the landscaped grounds of the Sixth Form College and the wild spaces within the churchyard of St Nicholas. These elements drawn together create an evolving and characterful environment of high landscape value that have significant interest and are extremely important in terms of backdrop and setting to the Cathedral and the city centre. From within this part of the character area, a number of magnificent views and vistas can be obtained of the river and the cathedral.

It is the sub-character area's unique topography, landscape and landmark buildings that creates a historic environment of high significance. In particular the diverse character of its open spaces, the openness of the river valley, the wildness of the cemetery and the grounds and mature trees of the Sixth Form College, provide a high quality townscape, and setting to the Cathedral and City that contributes significantly to the character of the whole conservation area.

Sub Character Area 5 - Claypath

1 Location and Boundary Description

The Claypath sub-character area occupies part of the north eastern sector of the conservation area between Claypath/Market Place and Gilesgate. The sub-area includes the contrasting Walkergate/Millennium Place and the Medieval street and historic commercial townscape of Claypath. Additionally it includes the mixed residential streets of Finney Terrace, Kepier Heights and Leazes Place. The sub-area is bounded to the south by Leazes Road and Milburngate Bridge; the western sections of Freemans Place and the Riverside. To the north by the Sixth Form College and St Nicholas cemetery, to the east by Bakehouse Lane ending at the top of Claypath and then extending up to Tinkler's Lane.

2 Setting

The wider setting of this sub-area is formed by the outer Durham bowl which includes rolling wooded hills generating a rich green backdrop to this part of the conservation area.

To the east of Claypath is the undulating and architecturally varied townscape of the Kepier Heights, Bakehouse Lane and Ravensworth Terrace. To the south and southeast is Milburngate Bridge, Leazes Road and the roundabout to New Elvet Bridge and the A690. The River Wear and Baths Bridge are just beyond this to the south east. The A690 in this area is dominated by the towering walls and massing of the Prince Bishops Shopping Centre. To the south of Claypath, is the rich historic townscape of the Market Place, St Nicholas Church, and the Town Hall and to the rear Fowlers Yard and Silver Street.

To the northwest the River Wear and the riverbanks including developments in Freemans Place provide an open green setting. Directly to the north are the wooded and overgrown grounds of St Nicholas cemetery and trees to the Sixth Form College, which form the backdrop to the rear of Claypath and Finney Terrace area.

3 Form and Layout

Claypath/Leazes Place

Today Claypath essentially still follows its original Medieval route and retains its overall form. It begins in the north eastern corner of the Market Place adjacent to St Nicolas Church (the approximate location of the long demolished Clayport Gate). From here it crosses the road bridge over Leazes Road and climbs in an easterly direction towards the outer suburb of Gilesgate.

To the south the street is narrow as it curves towards Gilesgate then widens slightly. It is linear in form with tightly packed Georgian and Victorian properties. The curving building line with the frontages directly abutting the pavement gives rise to

an almost continuous wall of development. This is broken only on three major occasions; at Providence Row on the north side of the street where Ruth First House is set back behind a paved forecourt, by the grassed area to the front of The Chains, and on the south side by the historic terrace of Leazes Place.

The buildings of Lower Claypath on the north side close to the Market Place consists of three and four storey irregular blocks of considerable massing and depth, with a mixture of contemporary architecture. In form these contrast with the south side of the street where the buildings are of the same three storey scale following the historic narrow burgage plot patterns, with occasional wider frontages.









Image 98 Climbs away from the Market Place along its historic route



Image 99 Domestic properties beyond Providence Row

Beyond Providence Row the properties are more domestic in nature, comprising of two storey Georgian cottages with wider frontages, sitting against taller Victorian properties with narrow frontages. These vary in composite height and detailing, typically developed on the back of the pavement.

Leazes Place to the north is a short straight street of simple Georgian properties, narrow in rectangular plots, with symmetrical frontages. The street drops steeply down to the south where it curves sharply leading to the contemporary town houses at Leazes Court.

There are a series of yards and vennels on the south side of Claypath which retain their important historic open spaces, for example Moody's Yard, a historic courtyard to the rear of the Big Jug public house used as a car park and service yard. Blue Coat Court runs parallel to this, a quiet residential courtyard, surrounded by mixed development out of keeping with the urban grain. Similar spaces exist on the north side of the street but most of the enclosed spaces have been redeveloped.

To the rear of No 17 Claypath, the service yard of the Gala Theatre and Millennium Place is a tight space enclosed by large three and four storey buildings on all four sides. Nearby is the Kwik Fit service yard, accessed by a large archway at the front of the building. To the rear of the United Reform Church, the space in front of Claypath Chapel has been recently been developed with a contemporary link to the original Victorian church.

To the rear of the street there are numerous detached buildings such as the St Anthony Vicarage, a Victorian villa with various offshoots and extensions. Nearby is the Priory with a distinctive octagonal tower connected by a long linear link to the main house. The buildings are set within substantial elevated and terraced grounds. This also applies to Bellevue Court adjacent, a secluded courtyard of modern terraced and detached curved house and chalet bungalows.

Providence Row/Finney Terrace /Kepier Heights

Providence Row curves steadily down from Claypath towards The Sands, and forms the boundary between the commercial and residential part of the City. The corner between Providence Row and Claypath is turned by Ruth First House, a large prominent building set on the corner behind a small landscaped square.

The form of development at Providence Row is varied including large three/four storey modern terraced apartments set back and elevated above the streetscene; the former Post Office headquarters, (a key landmark building on the corner), and the tall dense apartment development of Clayport Court; the Telephone Exchange just below the terrace following a similar building line.

The northern part of the area to the rear is characterised by Victorian terraces with architectural rhythm created by the domestic scale and repetition of design. These are built in a grid system of uniform small terraced streets and back lanes with yards providing a distinctive historic built form. Wanless Terrace is a typical example, built on a steeply sloping hillside with character, alignment and juxtaposition of roof slopes (Image 100 bottom row). Wanless Terrace leads to Finney Terrace, built on even steeper land and accessed by a road from the rear. The front gardens of Finney Terrace are visible in the public domain and add greenery into the streetscene.



Image 100 Providence Row and Wanless Terrace

Finney Court fronts onto Finney Terrace and is a large interrelated block development that wraps around central courtyards.

Of particular interest in this area is the distinctive early Georgian property No 11, a wide fronted cottage that follows the edge of the pavement with a strong building line.

Beyond this area to the north and east is the modern suburban infill of contrasting character led by steeply sloping streets that drop down from Bakehouse Lane, adjacent to the post war 1950's council flat blocks of The Chains in the Gilesgate character area.



Image 101 Modern suburban housing

To the southeast Bakehouse Lane wraps around a central area of green open space. Here the road straightens in an easterly direction, with a variety of house types, typically two storey Victorian terraced houses within narrow rectangular plots, of varying depth on the south side, and separated by the detached modern square Vicarage.

Hillcrest is a steep sloping curving street that consists of large detached dwellings in generous plots with the terraces to the north quite different and denser in nature. The dwellings are generally suburban in nature, stepping downhill, and do not follow the existing tight urban grain. Hillcrest Mews nearby are located close together in a small courtyard, but otherwise the properties are well spaced out.

Kepier Terrace and Kepier Heights follow the existing alignment of the surrounding townscape and terrain; they are terraced plots rectangular and narrow. The contemporary dwellings at Kepier Heights front onto the straight road and are a group of buildings of a split level design set down the steep slope.

The rear elevations of Kepier Heights and Bakehouse Lane are built into the hillside set partly below street level. Wear View separates the two terraces, a 1970s a cul-de-sac that runs at 90 degrees to Bakehouse Lane, consisting of modern detached houses and a mixed diverse streetscene. To the west is Kepier House, a development with a new large house of considerable massing built into the rear of Kepier Heights.

Kepier Court is within the site of a Victorian penitentiary building. The original house still remains with development in the 1970's stepped at different levels down the steep sloping terrain in a north /south direction at odds with the historic grain. It consists of separate blocks of 2 and 3 storeys, now redeveloped and surrounded by a high fence.

Millennium Place/Walkergate

The Millennium Place complex is a series of interrelated public buildings and a large open space on the site of the former carpet factory. The Gala Theatre complex consists of a large tall block of considerable massing with the glazed entrance a focal point that dominates the scene. The adjoining blocks of two storey linear buildings wrap around a central square with a tower feature on the corner at the entrance facing Claypath. On the opposite side of the square is the long linear 2-3 storey continuous block of the Clayport library and offices.

Walkergate below occupies a prominent site above the eastern bank of the River Wear; it comprises of a series of units and cascading steps linked by public spaces. At the lower level there is access to the multi storey car park and service yard, the tall stone clad retaining wall has a rather dominating appearance on Freemans Reach. The modern hotel accommodation adjacent is a linear tall block of three storeys.

To the south the A690 crosses at a high level over the River Wear via Milburngate Bridge and continues turning into Leazes Road set in a deep cutting that heads towards Elvet roundabout. Above the A690 a bridge connects the severed lower section of Claypath with Market Place and features a continuous rear building line fronting onto the A690, Milburngate Bridge and the associated slip roads.



Image 102 Millennium Place/Walkergate


Gala
Theatre

4 Architectural Character

This sub-character area has a rich variety of architectural character, ranging from the close knit domestically scaled Georgian buildings, to historic buildings of individual quality such as the United Reform Church, and from the uniformed Victorian terraces to the larger scaled modern developments. These combine to create an extremely rich and interesting streetscene and changing roofscape.

Claypath

On the south side of Claypath at the lower (west) end of the street near to the Market Place, the historic buildings are mainly brick built Victorian commercial properties. These have three storeys and two bays with narrow frontages with steeply pitched slate roofs of varying heights, the ridge lines are punctured by prominent brick chimneys with multiple chimney pots.

Some of the grander properties feature stone detailing including string courses and stone plinths. Windows are typically sliding sashes either 6-over-6, or 2-over-2, and oriel windows. Of significance here are the surviving Victorian shop frontages incorporating stall risers, pilasters, corbels, cornices, and recessed doorways etc. New development at No. 92 and 92a is a pastiche style that has picked up elements of scale, broken up roof form, with slate roofs and tall chimneys.



Image 103 Commercial properties, the Blue Coat Buildings and No 80

The most notable buildings within this part of the street include the Grade II listed Big Jug public house (No. 83) with a much wider frontage than its neighbours of three storeys and five bays. The exterior is of colour washed brick above a 20th century ground floor incorporating the entrance into Moody's Yard and it has a large steep roof with swept eaves and prominent chimneys. The frontage includes sliding sash windows with those in the upper floors having double keyed flat brick arched and painted projecting stone sills. The public house frontage is a replica based on historic photographs.

Also of interest is No. 80 an imposing building formerly a library and Police Station (Image 103 bottom). It is a three storey building of red brick with painted ashlar dressings, a tall slate roof with overhanging eaves, and with timber doors surrounds, pointed arched sash windows, string courses and plinths that add interest to the streetscene. Nos. 1 to 5 are the Blue Coat Buildings which are distinctive in the streetscene as a result of their lower scale, they are modest two storey properties wedged between the taller buildings (Image 103 middle row). The properties dates from the late 18th or early 19th century built from brick in English Garden Wall bond and include sliding sash windows above late 19th century shop frontages with traces of older openings above.

Rising up the hill eastwards the properties become more domestic in nature and there are fewer Victorian properties and generally more Georgian townhouses and cottages. These are generally of two and three storeys in scale with wider frontages and including different façade treatments, a multitude of different types of openings and detailing. Notable buildings in this group include Nos. 72/73 the former Travellers Rest public house. This is a much altered Grade II listed building possibly 17th century; it is two storeys and two bays with a very visible steep Welsh slate roof and brick chimneys. The front elevation facing Claypath is unusual with its white render in broadly spaced black painted timber framing. It also includes a mixture of sashes and oriel windows and six-panelled double doors framed by pilasters which support the fascia and cornice of the former public house front.



Image 104 The Travellers Rest and former Mechanics Institute

Of further interest is No. 69 the Grade II listed former Mechanics Institute of 1841 by Ignatius Bonomi and J.A. Cory. It is a distinctive building within the street as a result of its fine sandstone ashlar frontage incorporating a 6-panelled door in a wide architrave under a cornice. The three bays are defined by pilasters with flat rustications on first floor and the ground floor completely rusticated. Other features include tripartite sashes with header-course lintels and projecting stone sills,

prominent parapet, stone gable copings and gable end chimneys.

Nos. 71 to 64 are a mixture of Grade II listed and non-listed buildings of interest (Image 105 top row). They are of two and three storeys with wide and narrow frontages and a variety of different façade treatments such as incised stucco, painted brick and ashlar dressings, dark red brick in English garden wall bond, brown brick Flemish bond with painted ashlar dressings render and colour washed. They generally have steeply-pitched Welsh slate roofs with prominent brick chimneys. Other architectural features include partly glazed doors, timber panelled double doors with moulded surrounds, hoods, canopies, over-lights and boot scrapers. They have well balanced fenestration with timber sliding sashes windows of a variety of patterns including 8 over 8 and 2 over 2, tripartite openings with moulded surrounds and keystones, gabled attic half dormers, painted wedged lintels and stone sills.

No. 66 (Image 105 top left) stands out within this group, it is a Grade II listed late 18th century building with two light attic window with barge-boarded dormers and finials, and below is a six panelled door and tripartite sashes with a central bay with small sashes. No's 75 to 78 are modern infill that contrasts with the historic, but does attempt to break up the roof scape down the gradient of the hill (Image 105 bottom left).



Image 105 A mix of old and new

To the back of the south side of Claypath there are a series of yards and individual buildings of interest which add to the diversity and interest of the locality. Moody's Yard is a historic courtyard to the rear of the Big Jug public house. The courtyard is overlooked by a long and linear two storey former warehouse with a simple red brick frontage, a slate roof with eaves brick dentil course (Image 105 middle). It includes sliding sash windows on the first floor and larger top-hung casements at ground floor level with brick heads and sills. It is of interest as the only substantial historic industrial styled building within Claypath.

Running parallel to this courtyard is Blue Coat Court, a quiet residential courtyard surrounded by mixed development including small cottages, larger houses and bungalows. The bungalows have brown brick facades, shallow slate roofs and large bargeboards, there are dominant front porches with uPVC front doors and windows (Image 105 bottom right).

The new brick built terrace opposite has taller chalet bungalows featuring a high roof with flat roof dormers and inset windows at eaves level, the front doors are set below a prominent canopy.

Of considerable contrast to these is Blue Coat Cottage a Georgian property with a white rendered frontage, slate roof and sliding sash windows.

Between No's 73 and 75 there is a steep access point which leads up to St Anthony's Vicarage, a substantial Victorian villa with various offshoot extensions. The Priory of the Sacred Mission is a distinctive stone house of 1850 in the neo-Tudor style. It has rubble masonry in the small rear west wing, (part of an earlier house), and has prominent steep pitch roofs, gables and bargeboards, chimneys and ridge tiles. There are a number of traditional timber sash openings and modern windows in the ground floor, an ornate porch and timber front door provides an interesting entrance. The Priory is a tall faceted stone tower with a sloping mono-pitch roof rising to a significant point with glass panels inset below, the tower is connected by a long linear link to the main house.



Image 106 St Anthony's Vicarage and the Priory of the Sacred Mission

Bellevue Court adjacent is a secluded courtyard of modern terraced and detached houses and chalet bungalows. The new infill house has a curved façade and slate roof and is constructed in a mixture of brick, render and glazing, generating a rather confused frontage. The chalet bungalows adjacent are plain brick buildings with tiles and slate roof and modern mixed openings.

The buildings to the north side of lower Claypath leading up to Providence Row (Millennium Place to No. 33), vary considerably in age, form and architectural style, yet have a respectful cohesive roofscape. Those close to the Market Place are three or four storeys, a mixture of late 20th century architecture and the imposing built form of Millennium Place, sitting alongside the 1960s aesthetics of No. 17 Claypath, a concrete rectangular block of four storeys with a flat roof with large metal windows and an uninspiring ground floor shop frontage and inset entrance.

Within Millennium Place the Gala Theatre is a focal point in the north east corner, it is a large, tall block with a series of flat and sloping roofs with strong overhanging eaves and parapets. The theatre's main auditorium is timber clad with red render and the frontage to the square features glazed curtain walling within connecting walls of smooth sandstone.



Image 107 Millennium Place and Walkergate

The two storey linear blocks that wrap around the central square feature ivory coloured rendered facades with glazing set behind a line of pillars. Inserted above are projecting windows and the roofline has a strong projecting eaves line with the flat roof linking into the tower on the corner at the entrance facing Claypath. The tower has an ivory rendered main frontage with a ground floor shop front inset behind pillars.

On the west side of the square the two storey library building completes the perimeter block. The building has a clean, modern design in smooth sandstone with areas of ivory render on the outer wall fronting the A690, and with narrow vertical openings.

Walkergate below is in a similar contemporary style. The rear of the bars and restaurants in the southern section are built of a mixture brick and timber cladding, this continues the massing of the solid contemporary wall approach facing the A690 and the riverside. The frontages have ivory render projecting columns and well-designed shop fronts. Roofs are flat interspersed by tall timber clad lift shaft towers.

In front of the Gala Theatre on the lower terrace are two contemporary designed individual units. Ebony is oval shaped with a flat zinc and membrane roof, with a stone and painted ivory rendered surface, horizontally proportioned windows with dark grey framing. The Slug and Lettuce adjacent is rectangular in shape, has a shallow zinc and membrane pitched roof, with extended canopies and brise soleil on the main frontage. At the rear there is an extensive overhang supported by metal columns. Walls are in sandstone, ivory rendered and timber cladding, with large window openings.

Nearby the large rectangular blocks of the residential flats feature flat roofs, rendered and timber cladding frontages. The buildings are of the same contemporary design with modern window fenestration pattern.

The Premier Inn adjacent is again in a contemporary style with cream coloured render, timber cladding and grey cladding on the main elevations. At ground floor level the main frontage and café is set back behind columns and the projecting floors above, concrete framing provides some relief. The roof has a projecting parapet and is flat providing clear crisp lines. Windows are symmetrical with square openings and adjacent cladding in some areas mirrors the shapes and patterns.

At Claypath from No. 17 onwards the buildings exhibit greater variety and interest, No. 18 (presently Oldfield's Restaurant), is a late 19th century building of brick with ashlar dressings and an impressive frontage including Neo-Tudor windows, a polygonal oriel, 'DCC' monogram in stained glass and features a weather vane and a 20th century replacement shop front.

Nos. 20 to 24 is a late 20th century block (Kwik-Fit/Durham Snooker Club) with an austere plain frontage from the 1950s linked by an archway. No26 the former Palladium Cinema has a one bay street frontage of painted ashlar in the Art Deco style featuring a large moulded arch with keystone and carrying a cornice with fasciculae at the ends.

The Grade II listed United Reform Church (Christ Church) forms a key focal point within Claypath and consists of two parts, a rear earlier church hall of circa 1751, and a Chapel dated 1885-6 in the Gothic Revival style. It is constructed from snecked sandstone with an ashlar plinth and dressings. Features include the imposing octagonal belfry and soaring spire, the steep pitched slate roof with decorative ridge tiles and the round headed windows and an extension was recently added to the north and west elevations. This adopted a contemporary design approach which critically resulted in limited physical intervention to the building fabric, and retained external views of the older hall by the clever juxtaposition of solid/mass and glazed void.

No. 32, the Grade II listed former house now in use as offices dates from c.1740 and comprises of a rectangular footprint, three-storeys and two-bays built from brick which has been painted beneath a half-hipped roof with swept eaves and a covering of Welsh slate. It has a well ordered frontage informed by the balanced window pattern of sashes defined by flat brick arched and stone sills and the central door contained in an architrave under a pediment on moulded brackets.



Image 108 No18, Nos. 20 to 24, No 26 and United Reform Church

Crossing Providence Row the final section of the northern side of Claypath consists of Nos. 35 to 63 forming an almost continuous frontage. The buildings here are typically Georgian in character similar to those on the south side of the street. Nos. 38, 39 and 40 are Grade II listed under a single listing entry comprising of a small group of late 17th/early 18th century houses that are three storied and two-bayed built from English Garden Wall bond brick with painted ashlar dressings below steep Welsh slate roofs incorporating brick chimneys and swept eaves.



Image 109 No 32, former Post Office and Nos. 42 to 51

They include a mixture of original six panelled doors and renewed doors with over lights, stone surrounds and pilasters with fluted necking supporting a cornice. There are canted bays of three storeys at No 38, and No 39 has tripartite sashes on each floor, headed course lintels and projecting stone sills.

No. 41 is a small unlisted two storey cottage dwarfed by the taller properties to either side, with a low and wide roof, rendered and colour-washed frontage. No. 45 is an unusual Grade II listed property within the street as it is in the Gothic style with a slate roof with stone gable coping and a cast iron balustrade. To the top floor there are paired sashes with quatrefoil decorated blocks that support the gable over the window with a date stone in the gable '1871'. Although it is in residential use the conversion from a former anglers shop has retained and successfully integrated the shop frontage.

Nos. 42 to 51 are a mixture of listed and non-listed buildings that demonstrate a broad variation of architectural styling with frontages a mixture of brick in English Garden Wall and Flemish bonds, or subtle tones painted render and painted incised stucco. Window and door types mainly have a symmetrical fenestration pattern with diminishing sized sash windows and central panelled doors of four and six panels with over lights, wide surrounds, architrave and canopy. There are canted bays floors, oriels, paired sash windows, 12 paned sash windows, mullion windows, stone surrounds, headed course lintels and sills.

Leazes Place

Located between No's 66 and 69 Claypath is Leazes Place, a short straight street consists of two consecutive Grade II listed terraces facing each over. These 1840 houses have rich brown/red brick frontages of English Garden bond with ashlar basements, quoins and dressings, below steep roofs in slate with brick chimneys, the end properties having hipped roofs facing onto Claypath. There are different types of doors and surrounds including Tuscan door cases, fluted pilasters with Greek key frieze and cornice and 6 panelled doors and over-lights. Windows are all timber sliding sashes with slender glazing bars, generally 6 over 6 pattern. Oriel windows are a feature of each terrace with wedged stone lintels and projecting stone sills.

A short distance to the south is Leazes House a Grade II listed Villa. The former school, now a single house was built in 1848 and is two storeys and three bays built from sandstone ashlar. Eaves bands with paired brackets support the wide eaves of the hipped slate roof which includes tall stone chimneys. There is a central Tuscan porch with square columns and half glazed double doors with over-lights. Windows are timber sliding sashes, 6 over 6, with elegant glazing bars and flat stone lintels and projecting stone sills.

Further south is Leazes Court, a well-designed reasonably contemporary group of townhouses. The tall town houses are two storeys with multi red brick walls and prominent hipped roofs of slate. Window openings are sliding sash with stone mullions and sills and heads. Half glazed and panelled doors and stone surrounds and pairs of painted garage doors are prominent in the projecting gables.



Image 110 Leazes Place

Providence Row

On the east side at the corner junction with Claypath is Ruth First House, named after Ruth First, who was a South African anti-apartheid activist. The building is large in scale, massing and height ranging from 3 to 4 storeys staggered down the hill. The building has wide gables with a shallow pitched slate roof with large bargeboard. The walls are built from dull brown brick with a motif and mural on the west facing wall adding some relief and interest. Windows are horizontal wide casements in uPVC, picking up few references of the local vernacular, at ground floor level there are brash signs and an imitation shop front.



Image 111 Finney Court

Adjacent to this is the staggered large three/four storey modern terrace apartments at Finney Court set back and elevated above the streetscene. The apartments have a warehouse appearance and are constructed in red multi brick with timber cladding in the courtyard to the rear. The roofs are steeped down the hill and are in slate and fairly steep; the roof formation in the courtyard is broken up and varied in height and pitch. Windows are vertical in proportion and aluminium, with a strong constant narrow vertical line running through. The windows and patio doors have a symmetrical rhythm and an almost industrial appearance.

In contrast to the apartments to the north is No 11 an early Georgian cottage. This is a Grade II listed Building circa 1810 with a wide frontage, in off white render below a grey slate roof with brick chimneys. The frontage has two large first floor sash windows and two small 6-over-6 sash windows. The panelled door and pediment are attractively placed in the centre of this a well balance frontage.

On the west side on the corner is the former Post Office headquarters featuring a well balanced symmetrical frontage. The red brick elevations with stone string courses and plinth are prominent at the front and at the side. The roof has a prominent parapet in stone and brick and hidden sloping roof structure to the rear. The fenestration is balanced with two prominent arched windows surrounding the grand entrance and a stone door surround on the ground floor, imitation sash windows can be seen at first and second floor level diminishing in size with stone surrounds. On the side elevation there are similar style openings but less grand in size.

Immediately to the north is the tall dense flat development of Clayport Court rising to four storeys but the massing is broken up and stepped in connected blocks down the hill. The building is of red brickwork with stone string courses and prominent gables, and a pitched modern roof structure which is fairly shallow and in red concrete tiles. Windows consist of small casement openings, plain in style yet the modern industrial blue painted balconies provide interest to the elevations. The Telephone Exchange adjacent is a long deep building stepped down the hill, it is rather plain and austere in style of the 1950's following a similar building line. The building is plain rectangular block with a flat roof, there is a projecting tower rising to four to five storeys, it has a stone frontage in contrast to the dull brown brick.

The central tower has a long prominent metal glazed opening and a very simple door below; windows elsewhere are simple utilitarian metal openings.



Image 112 Clayport Court and Telephone Exchange

Wanless Terrace/Finney Terrace/Bakehouse Lane/Kepier Heights

The northern end of Claypath and the land to the rear on the east side is dominated by the Victorian terraces of Wanless Terrace and Finney Terrace. The terraces are two storeys characterised by modest red brick frontages, with steep slate roofs stepped down the step streets with prominent brick chimneys and pots. The frontages feature stone sills, heads and lintels and thresholds. There are still examples of original sliding sash windows and painted panelled doors and fanlights but they are less common as modern timber casements and uPVC windows and doors have replaced many of the original openings.

To the east of Providence Row is the modern suburban infill of slightly contrasting character found at Bakehouse Lane and Hillcrest. The detached houses and bungalows in their own spaces are generally of L-shaped floor plans, built of red/brown brick and have concrete brown and red tiled roofs, either modern horizontal casement timber or uPVC windows or uPVC doors.

Hillcrest Mews located close by this is a small courtyard development with Kepier Terrace and Kepier Heights behind The Chains. The properties follow the alignment of the surrounding townscape and terrain.



Image 113 Modern infill

Kepier Heights is a contemporary group of buildings of a split level design set down the steep slope. The buildings are constructed in brown brick with a broken up roof formation of concrete red tiles and brick chimneys. Windows are horizontal in proportion with timber brown painted casements and doors.



Image 114 Contemporary buildings at Kepier Heights

The Victorian cottages of Kepier Terrace have cream and white rendered elevations, slate and red concrete tiled roofs and brick chimneys. A number of original sash windows still remain although there are some replacements in timber and uPVC.

Close by to this is the older stone terrace Nos. 8 -10, a small traditional terrace modest in style with slate roofs, timber sliding sash windows and timber panelled doors. The vicarage is a modern building, square in footprint with a shallow pitched roof and horizontal emphasis to the window openings.

Wear View separates the two terraces, it consists of modern detached bungalows and houses generating a mixed diverse streetscene of brown and red brick buildings, brown and red tiled roofs and modern horizontal large casement windows, which is very suburban in nature.



Image 115 Modern and Victorian terraces

To the west is Kepier House a large modern house with distinctive timber cladding and cream render. The massing is broken up by separate blocks with separate mono-pitch roofs.

Kepier Court is a solid three storey building of sandstone with a steep slate roof and tall prominent sandstone chimneys and strong gables. The windows sit in an orderly fashion and are small casement openings which have been replaced in recent

years. The 1970's blocks are stepped at different levels down the steep terrain in a north/south direction, not following the existing street pattern; these are of concrete construction with panelling between large horizontal casement windows.



Image 116 Victorian terraces along Providence Row

5 Important Buildings

Listed Buildings

There 23 Statutorily Listed Buildings in this Sub Character Area refer to the list below and Appendix 1. These are recognised by the Government as being of special architectural or historic interest as specified by the Planning (Listed Buildings and Conservation Areas) Act 1990. Listing is made at three levels of importance Grade I the most important, Grade II* and Grade II. The protection afforded by this legislation applies to the whole of the listed building and any structure attached to it and land within its curtilage. Listed Building Consent is required for any demolition, extension or alteration proposed which might affect its character.

Buildings Name	*Grade*
No 32 Claypath (North Side)	II
No 42 Claypath (North Side)	II
No 45 Claypath (North Side)	II
No 46 Claypath (North Side)	II
No 47 Claypath (North Side)	II
No 51 Claypath (North Side)	II
No 52 Claypath (North Side)	II
No 53 Claypath (North Side)	II
No 56 Claypath (North Side)	II
No 64 Claypath (North Side)	II
No 66 Claypath (North Side)	II
No 69 Claypath (North Side)	II
United Reform Church, Claypath, (North Side)	II
United Reform Church, hall and offices (formerly	II

listed Claypath Chapel) Claypath, (North Side)	
No 70 Claypath (South Side)	II
No 71 Claypath (South Side)	II
No 72 and 73 Claypath (South Side) (The former traveller's Rest PH)	II
No 83 Claypath (South Side)(The Big Jug public house)	II
No 91 and 91A Claypath (South Side)	II
Nos 1 to 6 Leazes Place.(consecutive) (east side)	II
Nos 7 to 12 Leazes Place.(consecutive) (west side)	II
Leazes House, Leazes Place	II
No 11 Providence Row	II

Non-designated Heritage Assets and Buildings/Structures of local interest

In addition to the listed buildings above, a number of other buildings and structures combine add to the areas unique built heritage. While not possessing sufficient interest to be listed as of national importance, such buildings add to the general architectural richness and character of the area and it will be important that careful consideration is given to any development proposals that are likely to affect such buildings.

The following buildings are not statutory listed but do make a positive contribution to the character and appearance of the conservation area, and through the planning process could be identified as non-designated heritage assets. There will be a presumption in favour of preservation of any of these buildings without clear justification for their loss in accordance with national planning policy. The omission of any particular building should not be taken to imply that it is of no interest.

Building Name

No 18 Claypath (South Side) (Oldfields)
No 25 Claypath (South Side)
No 26 Claypath (South Side) (Palladium)
No 29 Claypath (South Side)
No 33 Claypath (South Side) Old Post office
No 41 Claypath (South Side)
No 43 Claypath (South Side)
No 44 Claypath (South Side)
No 48 Claypath (South Side)
No 55/54 Claypath (South Side)
No 58 Claypath (South Side)
No 59 Claypath (South Side)
No 60 Claypath (South Side)
No 60a Claypath (South Side)
No 60b Claypath (South Side)
No 60c Claypath (South Side)
No 65 Claypath (North Side)
No 79 Claypath (North Side)
No 80 Claypath (North Side) (Rajpooth)
No 1 to 3 Blue Coat Buildings Claypath (North Side)
No 4 Blue Coat Buildings Claypath (North Side) (archway)
No 84 a and b Claypath (North Side)
No 85 Claypath (North Side)
No 86 Claypath (North Side)
No 87 Claypath (North Side)
No 88 Claypath (North Side)
No 88a Claypath (North Side)
No 89 Claypath (North Side)

No 90 Claypath (North Side)
No 92 Claypath (Northside)
No 92a Claypath (Northside)
Quakers Graveyard, Claypath
Former County Penitentiary, Bakehouse Lane

6 Building Materials, Detailing and Features

Within this sub-character area there is a wide mixture of historic building of various ages and styles including symmetrical Georgian townhouses and cottages of handmade bricks dark and light reds, light painted stucco and render, to stone built buildings of individual significance, and darker red bricked Victorian terraces; generally with natural roof coverings and wooden windows and doors. Unfortunately the historic building stock is intermixed with modern developments, which bring with it the harsher tones of concrete, brown brickwork, and occasionally unsympathetic uPVC. It is the traditional materials which overall prevail and this helps to create and maintain the areas distinctive historic character and appearance, yet a number of the modern developments add to the interest and diversity of the streetscene.

Walls/Façades

Within Claypath at the western end of the south side of the street, the historic buildings generally display the characteristics of Victorian architecture, incorporating traditional ground floor shop frontages with a number of stand-out examples creating a vibrant commercial frontage. The most common walling material found in this part of the street is brick, some handmade, in English Garden Wall, Flemish and occasionally stretched bonding patterns. The brickwork is mainly exposed but some properties have painted brickwork.

The colours of the brick vary from dark reds, reds/browns to lighter reds. This in combination with the very occasional rendered frontage combine tastefully to add colour and interest into the streetscene.

Brick is not exclusively used for wall construction as it can be found for decoration in the form of string courses, eaves courses, window heads and notably within this area as chimney stacks. Stone is less common but there are examples principally used in the grander properties in the form of painted ashlar dressings, stone string courses, stone plinths and as projecting sills etc. The modern buildings at Nos. 93 to 97 Claypath are of multi-red brick work which is sympathetic to the prevailing walling material.

Eastwards heading up the street on the south side, the historic buildings are a mixture of Georgian townhouses and cottages and Victorian properties generally of simplistic red brick frontages. Again some have been painted, and there are a higher number of rendered properties particularly near to where the street meets Gilesgate. Some of these properties are incised, other painted or colour-washed in subtle yellows,

pinks, ivory and light blues. The Blue Coat buildings (Nos. 1 to 4) are of very dark brown/red handmade brickwork. The former Travellers Rest public house features pebble dashed render within the black painted timber framing, and although stone is less common here, No69 is a distinctive building in the streetscene resulting from its sandstone ashlar frontage and stone detailing.



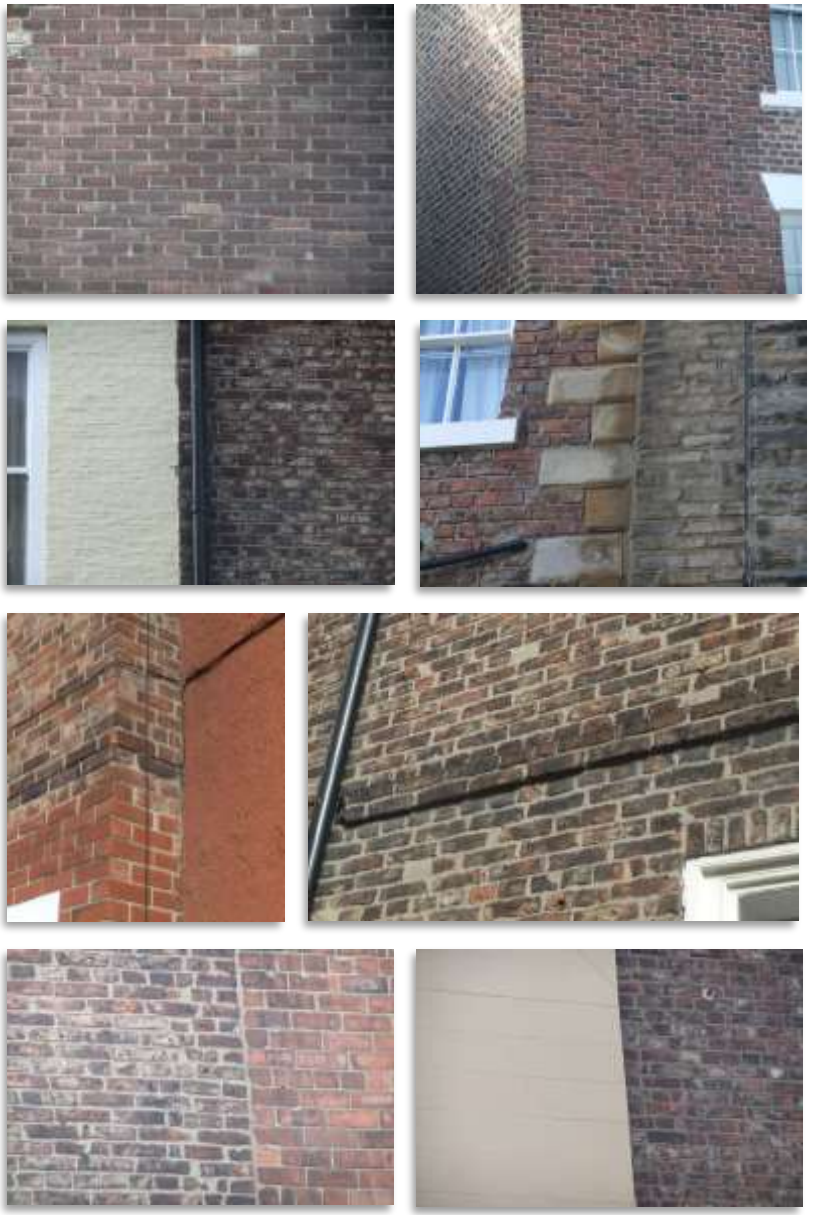


Image 117 Walls and facades

To the north side of Claypath at the west end between the Market Place and Providence Row, the historic buildings are again predominantly brick built in English Garden Wall, Flemish Bonds or stretched bonds, sometimes painted. Notable exceptions being the upper floor of No18 with extensive buff stonework, the former Palladium Cinema with its frontage of painted ashlar and the United Reform Church and its associated front walls which are of sandstone.

The modern buildings in this locality are, amongst others, a wide mixture of concrete such as No17, white render, buff coloured stone, and timber cladding found at Millennium Place, and the expansive plain brown brick frontage of Nos.20 to 24. Eastwards on the north side of the street between Providence Row and The Chains the reverse effect occurs, where the dominance of exposed brickwork is overtaken by the use of painted render and painted incised stucco in whites, greys, ivory and occasionally pale blues.

The properties forming Leazes Places are built from handmade red/brown brick in an English Garden Wall Bond with stone plinths and dressings and have simply styled yet elegant frontages.

Elsewhere the Victorian terraces at the north end of Providence Row are characterised by their uniformed frontages of red smooth engineered brickwork in stretcher bonds, with interest added in the form of the stone detailing to the openings. In Wanless Terrace and Finney Terrace the properties are again of red stretched bond brick but this is clearly older in a more subtle tone and textured with added detailing at eaves level and again stone used as window heads and sill and door lintels mainly painted white.

The modern buildings in this part of the sub-character area are a mixture of dull brown brick such as at Ruth First House, (although the mural adds some visual interest to the bland elevation presented to the street frontage). The red brick work at Finney Court, Claypath Court and that at the former Post Office Buildings is more in keeping the prevailing material of the area. Within the residential area to the rear/north, the house types are a mixture of detached properties, bungalows and terraces built from a mixture of red /brown brick, cream and white rendered elevations. Two very distinctive buildings are Kepier Heights due to its timber cladding and cream render and Kepier Court a larger scaled sandstone building.

The historic buildings in the area also display a variety of other details and features which help to enrich and add to the character to the area. For example stone encased cellar chutes, wrought iron foot scrapers recessed beside the main entrance doors and date stones/inscriptions etc.

Roofs

Subtle variations in plot width, building height and architectural compositions between properties which adjoin one another, along with rooflines cascading down the hill create an overall effect of harmony and balance in Claypath.

The traditional roofscape of this historic area comprises predominantly pitched gabled roofs, usually with a pitched roof with the ridge parallel to the street and a slope of between 35° and 45° although there are examples of lower broader roofs and occasional hipped roofs. The roofs are mainly covered in grey Welsh slate in standard simple laying patterns and ridges are defined by ridge tiles some in a different colour form the main roofing material.



Image 118 Welsh slate dominates roof coverings

There are a number of different and significant roof forms visible which add further interest into the roofscape of the area. The United Reform Church with its large imposing octagonal belfry and spire is very visible in views in both directions along Claypath. No. 46 has a Lakeland roof with prominent stone gable copings. No. 45 Claypath has a roof of slate with stone gable coping and cast iron balustrade and within the top floor there are paired sashes with quatrefoil decorated blocks that support the gable over the window, with scrolled foliage and iron gable finial. St Anthony's Vicarage has prominent steeply pitched roofs with a distinctive tall faceted stone tower and a sloping mono-pitch rising to a significant point. No 33 has a prominent parapet in stone and brick.

Of the modern buildings Millennium Place has the most interesting roof form formed by the changing heights of the various blocks all interlinked, the slightly sloping roof forms, with strong overhanging parapets, and most notably from Claypath the prominent projecting tower feature. Other modern infill developments have very shallow pitched low roofs, and red pantiles are common place.

Kepier House is also notable for its separation into individual blocks within mono-pitched roofs which generate an interesting roof-line. To the rear of the Victorian terraces many properties have been extended with flat, gabled and mono-pitched roof forms visible.

Within this sub-character area chimneys are common and important features which are both integral to the buildings structure and its aesthetic appearance. They are all brick built and vary greatly in terms of their heights, depths, and detailing, some simple others more substantial and ornate. They are mainly either rectangular or square in form and their size proportionate to the buildings themselves, some include brick banding and single chimney pots but most are of multiple pots in terracotta buffs and reds and in standard rounded, squared, beaded or louvered terminals amongst others. Other features at roof level include stone parapets, brick dentiled eaves courses, stone corbels, traditional dormer windows with ornate bargeboards and finials.

Rainwater goods

Many of the unlisted Victorian properties in Claypath still retain their black painted cast iron rainwater goods with hopper heads and spiked brackets. Similarly, the listed Georgian buildings in Claypath, Leazes Place and at Leazes Hall have unique black painted cast iron rainwater goods intact with guttering of different shapes and profile with ornate hopper heads and spiked or stone support brackets. In Wanless Terrace and Finney Terrace there are a number of properties which have traditional guttering but many have been replaced with unsympathetic uPVC guttering, this has a negative impact on some of the facades.



Image 119 Chimneys and roof details



Image 120 Cast iron rainwater goods

Joinery, windows and doors

The windows, doors and other joinery details are an integral component of the architectural character of historic buildings and are generally their most prominent features. In Claypath there is great variety of window and door details that provides richness to the townscape that in turn results in an overall effect of harmony and balance in the area.

Within the main street frontage of Claypath the predominant historic window type are timber vertical sliding sashes; these can be found in a mixture of glazing patterns for example single paned, 2-over-2, 3-over-3 and larger 6-over-6. They tend to have slender glazing bars and are almost always recessed from the front face of the wall and painted mainly white, but some are in different colours to contrast with the external walls. In the Victorian properties the windows are vertically proportioned and generally of the same size, whereas the Georgian properties display the typical characteristics of having shorter ground floor windows, taller more elegant first floor windows and small top floor windows.

In amongst this prevailing style there are a number of fine oriel windows, canted bays, and larger tripartite sashes, which add variety and interest into the streetscene. Other notable styles of historic windows include the pointed-arched sashes at No.60, the neo-Tudor stone mullioned windows at No.18 and the quatrefoil, lancets and round windows with stained glassworks seen at the United Reform Church.



Image 121 Great variety of traditional windows

St Antony's Priory is a distinctive building within the area that includes traditional timber sash openings with glass panels inserted into the stone tower adding interest. In Moody's Yard the historic warehouse buildings retain their timber sliding sash windows and top-hung timber casements within the ground floor.

In Leazes Place the windows comprise of a consistent pattern of 6-over-6 white painted timber sashes with fine glazing bars with two first large floor oriel windows one on each side of the street. In the Victorian terraces the original windows are of 2-over-2 timber vertical sliding sashes, some of these windows still exist but many have been replaced by white double glazed uPVC windows. These can be found in a variety of forms including multiple glazing patterns, singular casement openings, and many including planted on imitation glazing bars.

The historic windows are defined by a mixture of simple flat and projecting stone lintels, ashlar wedged shaped lintels, chamfered stone lintels (more often painted) and flat or arched brick heads; and below by flush or projecting sills. Other decorative features include stone surrounds, key stones and architraves.

In relation to the modern buildings these vary considerably in style and quality. Inn Millennium Place there is curtain wall glazing and a mixed vertical glazing pattern of contemporary window designs alongside horizontally proportioned picture windows all of charcoal grey aluminium and creating a high quality and interesting arrangement. In contrast the windows at No. 17 Claypath for example are large metal windows; those at Nos. 20 to 24 are large horizontal metal windows with white uPVC casements found at Ruth First House.

Finney Terrace features vertically proportioned, charcoal grey aluminium windows with a strong constant narrow vertical line running through are appropriate to the industrial styling of the building. In the Blue Coat Court the modern properties feature a mixture of uPVC windows and smaller casements and in the Bakehouse Lane area modern horizontal casements dominate. At Bellevue Court the detached houses and chalet bungalows have modern mixed casement openings.

Dormer windows are not common features but there are a small number within the north eastern part of Claypath. These are of note as are the traditionally proportioned and designed with steeply pitched slate roofs, timber bargeboards and finials which add interest at roof level.

Similarly the historic doors are important elements of the building façades and vary in style and design; with the south part of the street the commercial properties feature a range of doors forming part of the shop fronts. There are one or two examples of solid timber doors, but partially glazed doors dominate. The upper parts of the doors are glazed either with a large single pane of glass or divided into two panes with timber panels below.

The residential properties in the main street frontage are predominantly of a solid timber construction in a mixture of 4 and 6 panels, incorporating raised or fielded panels adding detail. Like the windows they are generally recessed and painted in a variety of colours whites, creams, yellows, blues etc. In Claypath many of the doors of the Georgian properties include fanlights above and are framed by slender pilasters supporting cornicing and hoods. The fanlights are mainly rectangular sometimes including leadwork and slender glazing bars. There are also fine examples of timber door cases, moulded architraves and stone surrounds although these are not too common.

Within the streetscene there are a number of doors which standout such as the imposing double arched doors and dog-tooth moulded stone surround at the United Reform Church; the wide 6-panelled doors with architraves and bracketed pediment at No 32 Claypath, and the grand wide entrance and distinctive stone surround at No 33.

The properties of Leazes Place have fine tall entrances accessed by stone steps leading to 6-panelled solid timber doors in Tuscan door cases, the exception being No12 which has fluted pilasters with Greek key frieze and cornice. The nearby Leazes House has a noteworthy central stone Tuscan porch with square columns containing a recessed half-glazed double door with side and over-lights.



Image 122 Traditional timber doors

In the Victorian terraced properties a number of the 4-panelled solid timber doors survive but the majority have been removed and replaced with unsympathetic modern doors. Some of these have replicated the original material but have changed in style with multiple glazed panels and fan-glazing whereas others are in white uPVC.

At Millennium Place the entrances have contemporary fully glazed charcoal grey aluminium framed doors, neatly integrated into the glazed frontages.



Image 123 Millennium Place

Within Finney Court the patio doors visible from the street frontage have a symmetrical rhythm and an industrial appearance, whereas the buildings in the Bakehouse House Lane area have predominantly modern uPVC doors.

Many of the historic properties in the south part of the street retain their traditional shop frontages which add greatly to the architectural character of the area and create a lively commercial street frontage leading into the Market Place. These have their own unique identity but generally follow the traditional form incorporating recessed doorways well-proportioned shop windows, stall risers or plinths, pilasters framing the windows and corbels rising up to a framed fascia sometimes including cornicing.

There are a number of modern shop fronts notable for their good quality such as at the Big Jug public house. Although installed recently it is an authentic replication of the pub's original frontage including the fascia, pilasters and stall riser and large gilded jug sign. No. 18 has a new modern shopfront but this is of considerable quality with slender framework and large windows, and Nos 93 to 97 Claypath includes contemporary designed timber and aluminium shopfronts and subtle signage.

Fascia, projecting and hanging signs are also a key street features in the commercial core of Claypath. These vary in style, age and quality, with some traditional forms for example simple flat timber panels, hand painted, and hanging signs fixed into position by ornate metal brackets. These elements make a substantial contribution to the character and physical integrity of the historic buildings and also add character and interest to the historic street. Some over-sized modern signage conceals original shopfront features, and many signs are in plastic and harsh colours.

7 Boundaries and Means of Enclosure

Historic properties fronting onto the street with the building line hard onto the back of the footpath is a predominant characteristic, which means that forms of enclosure to the main street frontage are rare. The Church is the exception to this with its low stone walls and paved forecourt enhancing the entrance and assisting in continuing the street building line.

Claypath opens out to the south where it merges into the Market Place and on the north side at Millennium Place, the street also becomes windswept due to the wide railed bridge above the A690/Leazes Road. Within this area boundary treatments are formed by black painted metal railings, with the row of stone carved bollards and good quality lighting columns providing a sense of enclosure and entrance. To the east of this area the land steeply slopes between the backs of properties in Claypath and Leazes Place and the busy inner ring road. These open grassed slopes have linear belts of mature trees that provide effective screens and means of enclosure to the rear of the historic properties.

Millennium Place is enclosed by the tall buildings themselves. On the north side railings mark the extent of the open space with steps and further railings leading down to Walkergate. On the lower terrace are metal contemporary railings separating these spaces with the main thoroughfare, and leading to enclosed steps and railings to the lower levels at Freemans Place.



Image 124 Railings, bollards and a busy ring road

There is a considerable drop in level to the pavement along Freemans Place, the extensive high stone walls create a strong boundary line to Walkergate. The pathway below continues in front of the low brick wall and planting beds in front of the Premier Inn.



Image 125 Large change in level

The series of yards /vennels on the east side in Claypath still manage to retain their sense of space and variety of historic boundaries. Moody's Yard is enclosed by high walls of historic brickwork, whereas Blue Coat Court has a boundary of high stone walling. St Anthony Vicarage and Priory is set within substantial elevated grounds surrounded by mature trees, walls and fences at lower levels. Bellevue Court adjacent has similar sized grounds and tree lined boundaries to the east but notably the upper part of the site is surrounded by historic stone and brick walls and trees which also conceal the Quakers historic graveyard.



Image 126 Yards to the rear of Claypath

In contrast on the west side of Claypath the courtyard areas have retained little of their historic character, for instance the service yard to the rear of Nos. 20 to 25 where the historic burgage plots have been amalgamated into a single space, although there are surviving sections of original walls around the site.

At Leazes Place's the Georgian townhouses frontages are enclosed by ornate cast iron railings and steps. To the east, tall stone walls bound the lane leading to Leazes House whose grounds are enclosed by walls and hedges. Tinkler's Lane to the rear is enclosed by high stone walls providing the demarcation of the Gilesgate/ Framwellgate boundary.

At Providence Row the boundary treatments vary considerably, with high stone walls around No. 11, grassy slopes boarding Finney Court, and low brick wall and railings elsewhere. The Victorian terraces such as Wanless Terrace and Finney Terrace have brick enclosed rear yards while Finney Terrace also has extended mature gardens to the rear with hedge boundaries.

Elsewhere in this sub-character area the mixed residential streets include boundaries of brick and rendered walls, shrub planting and timber fencing enclosed rear yards and front gardens. In Bakehouse Lane there is also an enclosed garage court and a large open grassed area centrally located this space has trees with a small enclosed children's play area with railings around.



Image 127 Mixed boundary treatments



Image 128 Open space around Claypath

8 Open Spaces and Trees

Green space and trees are uncommon within the main frontages of Claypath. The most notable areas of public open space can be found in the south part of Claypath where it meets the Market Place and Millennium Place. This is a fairly expansive open road junction with important linkages to the riverside environment. Millennium Place itself comprises of a pedestrianised public open space of considerable value and an excellent access point for various facilities and route through following desire lines to the Walkergate complex and beyond.

At the south end of Claypath the large area of green open space rises very steeply from the road side up to the backs of the properties on the south side of Claypath. This is an important buffer and scenic green backdrop and includes a number of mature trees.

Further up the street beyond Providence Row, the area is characterised by Georgian and Victorian properties hard on the street with long terraced mature gardens. They feature a number of significance trees which have visual amenity value in the wider context of the streets.

Moody's Yard and Blue Coat Court are historic spaces forming important components of the townscape. St Anthony Vicarage and Priory is a quiet space set behind the main street frontage, with seating and viewing areas nearby to the east is the Quakers graveyard a small space of significance historic value.

Other open spaces in the area are of lesser value such as that to the rear of No. 17 Claypath, and the larger service yard at Kwik Fit.

Within Providence Row there is some important greenery which makes a positive contribution to the appearance of the street and assists in softening the continuous urban form. This includes the triangular plot of green space which rises up from street level to Finney Court, the area of trees between the Telephone Exchange and Sixth Form College, and the trees around St Nicholas cemetery. Although this site is not contained within this sub-area, the trees are visible and have visual amenity value towards the north end of the street.

On the southwest side is a notable urban hard space of cobbles, setts and tree planting with flats overlooking the road junction with Claypath. On the north side adjacent to Ruth First House, the paved forecourt is partly enclosed by shrub planting and seating.

The properties in Wanless Terrace have brick enclosed yards and small overspill planted areas with pot plants while Finney Terrace have mature gardens with trees and hedge boundaries to the rear; and although these are private spaces they are visible and add colour and interest into the streetscene.

The Bakehouse Lane area is a mixed residential estate but it does include some notable area of green spaces with grassed and tree lined verges around a number of the streets, open mature front gardens, visible rear gardens and a play area; which combine to visually enhance the appearance of the locality and helping to soften the urban form.



Image 129 Greenery is more limited in housing estate



Image 130 View of the Viaduct and across the rooftops

9 Views and Vistas

Looking south westwards down Claypath there are views towards St Nicholas Church Spire and the Market Place which are key focal points in the streetscene.

In the lower (south) part of Claypath the views are more open, directly into the Market Place where the Londonderry Statue becomes more visible and the Town Hall and St Nicholas Church provide the backdrop. In the opposite direction looking eastwards up Claypath there are unfolding views framed by the continuous line of historic buildings.

From certain vantage points the Viaduct and railway stations can be seen nestled into the surrounding landscape.

There are longer ranging townscape views at the rear of Moody's Yard out towards the Cathedral and Castle, and out through the yard entrance there is a notable view of the United Reform Church framed by the archway. Within the northern part of Claypath there are streetscene views of the uniform Georgian terraced properties in Leazes Place. From Leazes Court there are views at the bottom of the street looking towards St Nicholas Church spire and Leazes House in the opposite direction. In addition there are views of the Claypath roofscape to the rear.

Within Millennium Place there are enclosed views firstly of the very open public space, the Journey sculpture and Gala Theatre, a key landmark building. Beyond the public space

towards Walkergate to the north there are views of the Milburngate Centre, the river, and the hillside beyond. At the far end of Walkergate there are more open expansive views of the river, the weir, Milburngate Bridge and Millburngate House complex.

Looking northwards down Providence Row there are notable views of the towers and pinnacles of the Sixth Form College roofscape and the descending roofscape of the terraced houses on the eastern side of the road. Views at the end of the street are open and expansive towards The Sands, the river below, and countryside beyond. Views in the opposite direction towards Claypath have a strong urban character, with the tall buildings and roofscape providing visual interest. In the Wanless Terrace and Finney Terrace area there are notable channelled streetscene views of the simple regimented Victorian terraced houses, rhythm of the roofscape, the back lanes and enclosed back yards. The bell towers and pinnacles of the Sixth Form College and trees beyond provide a visually interesting backdrop to the west while the rear of Claypath properties.

From the top of Bakehouse Lane, Hillcrest and Kepier Heights there are elevated mid-distance views of the Railway Station, the Viaduct, the Radisson, with longer ranging views towards Newton Hall with the open countryside beyond; in some instances Penshaw monument and the outer and inner Durham Bowls can be seen.

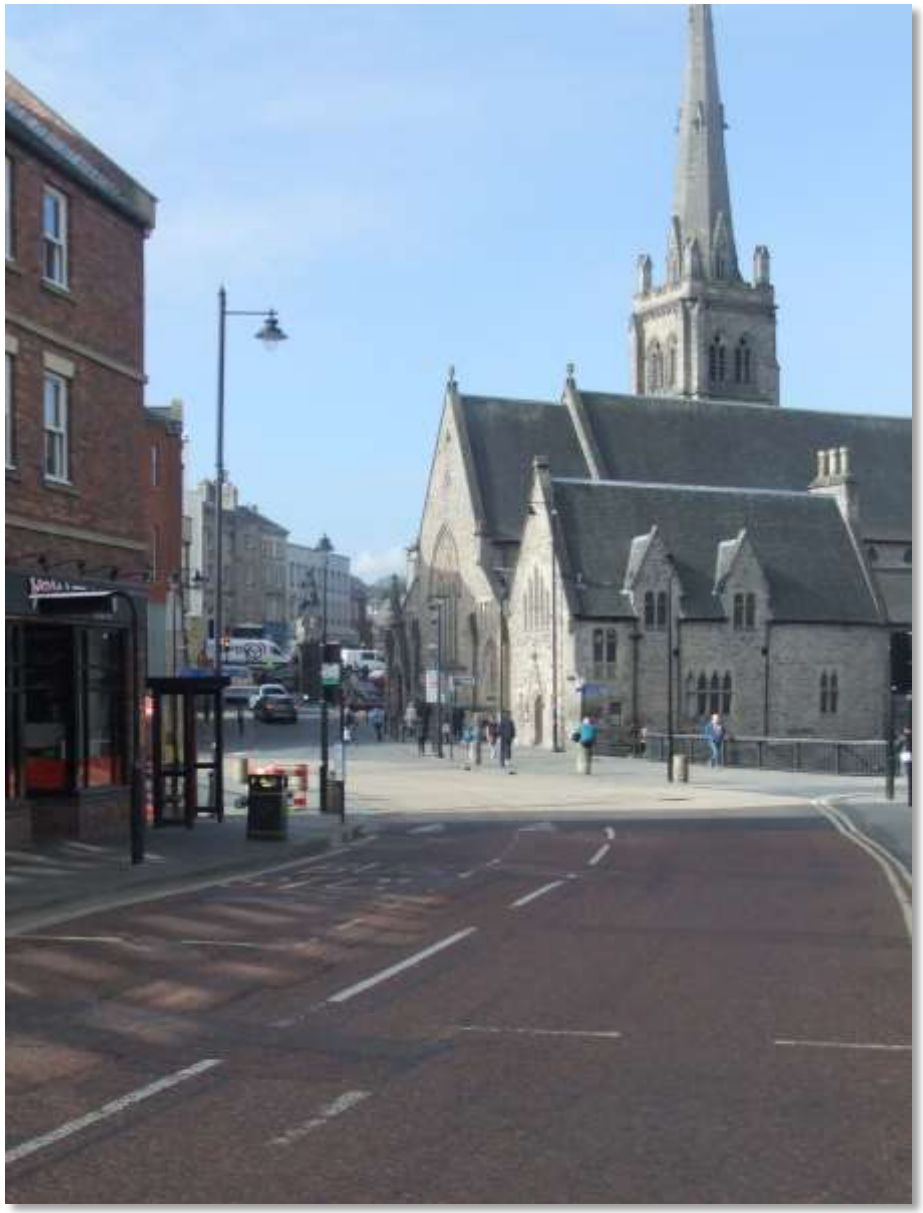


Image 131 St Nicholas Church and Market Place beyond

10 Activity

Lower Claypath is predominantly a retail area but consists of a mixture of uses such as churches, offices, public houses, restaurants, takeaways, snooker hall and retail. There are a small number of vacant premises, namely the former theatre and cinema, and No. 17 Claypath former city council offices and there is clear evidence of commercial decline in the area. The floors above at first and second floor level are a mixture of storage facilities, offices and residential lets. There are numerous rear yards/ outbuildings serving the commercial properties. In upper Claypath beyond Providence Row as far as Tinkler's Lane this is an area of generally residential use apart from an insurance broker and a delicatessen.

Claypath is busy with constant traffic, taxis, buses and parked cars generating an assortment of noise, pollution etc. It is also a very busy pedestrian route into the city centre. In contrast the area includes a number of places with less activity and a quiet atmosphere including St Anthony's Vicarage and Priory, Bellevue Court and Blue Coat Court. Leazes Place is also a quiet residential street in comparison to Claypath.

The various courtyards and service yards vary in use; the service yard to the Gala Theatre is regularly very busy as are the parking areas to the rear of the street frontage at Kwik Fit and the United Reform Church.

Millennium Place is a busy complex; the main attraction is the Gala Theatre, with a 500 seat theatre, two cinemas, conference facilities and bars/cafes. Opposite to this is the large Clayport Library on three floors, with offices attached and cafes. Further offices and a retail unit front onto Claypath. The public space is frequently bustling with shoppers, workers and local residents. Walkergate just below is a bustling busy pedestrianised space in the evening and at weekends but quiet during the day. There is a cluster of restaurant, bars and nightclubs with outdoor seating in the central space with apartments to the north east.

Freemans Place is again a very busy area with various uses including a hotel/café, with a multi-storey car park and service yard and further east Freemans Quay Leisure Centre and various car/coach parks. Above is Leazes Road and Leazes Road Bridge an important route through the city with very high levels of traffic and pedestrian footfall.

Providence Road is a busy street particularly at its junction with Claypath. There is both considerable traffic and it is a well used pedestrian route. The street is predominantly domestic dwellings and apartments, with the telephone exchange on the west side a busy working building. The Sixth Form Centre to the south is a source of high activity during term time.

Wanless Terrace and Finney Terrace are terraced houses providing accommodation for family and rental properties with a number of student lets. These are quiet streets with limited traffic and parked cars.

Bakehouse Lane is a busier area of mixed residential properties, mainly family homes and a number garage courts with a central grassed area of open space for amenity including a well-used play area.

Hillcrest and Wear View are again quiet residential streets with light traffic, with Kepier Court nearby a derelict block of flats.

11 Public Realm

The surfaces to the lower and middle part of Claypath are mainly tarmac with red chippings, patched in places. The quality of the pavements varies considerably, on the south side there is an extensive area of original York stone paving, granite and stone kerbs, whilst on the north side there is rectangular concrete flags leading to new Yorkstone flags and setts outside Millennium Place. The contribution of street furniture varies and increases further down the street with more clutter of cast iron bollards, bins, street lights and signage.

Where Claypath meets the Market Place and Millennium Place it opens out to form a fairly expansive open road junction with a raised surface including anti-skid buff surfacing, a sett rumble strip in the road and Yorkstone flags. The street furniture here includes Yorkstone carved bollards and high quality lighting columns that create a sense of enclosure adjacent to Millennium Place and Market Place.



Image 132 A broad mix of materials is used



Image 133 Variety in surface materials

Opposite there is a small cycle/ motorbike stands on stone setts with two distinctive red telephone boxes. To the east adjacent to the roundabout to Elvet Bridge there are concrete flagged pavements down to the bus stops. Further along the pavement changes to tarmac with a brown paviour edging that follows the road, similarly guarding follows the road in places adjacent to the roundabout and to Milburngate Bridge. The bus shelters in this location are of a simple design, black framed and clear glass with planting adding to the streetscene.

Moody's Yard has a granite sett/tarmac surface with covered parking spaces to the rear. Blue Coat Court running parallel has large areas of surfacing in tarmac and brown paviours with planters used to break up the space. Bellevue Court adjacent has a tarmac courtyard with an access road of granite setts. The vennels/courtyards on the west side of Claypath are mainly of tarmac paving, and the Kwik Fit service yard is an area covered in tarmac and concrete.

Leazes Place is a cobbled street where the Yorkstone flags and stone setts contribute to the setting of the listed terrace. A tarmac road leads down to Leazes House and further along this route into Leazes Court the surfacing is of brown paviours in the parking bays and turning heads. Tinkler's Lane is a narrow vennel with Yorkstone flags and stone setts.

At Millennium Place the public space has a central paving area covered in brown Tegula blocks surrounded by Yorkstone flags with The Gala Theatre having a Yorkstone flagged forecourt. Limited street furniture consists of stone block seating, although underused because of the environment.

Walkergate below has paved concrete modular flagged areas with steps and modern railings. The good quality paving continues into Freemans Place and around the hotel's

frontage. The modern signage here is in keeping with the contemporary railings, refuse bins and seating.

Providence Row has a tarmac road surface with red chippings; the pavements on both sides of the street have rectangular and modular concrete flags, and there is little street clutter or signage. Where Providence Row meets Claypath public space has been created on both sides. On the west side, cobbles, setts and tree planting have been incorporated however, the traffic lights, signage and post and telephone box make this area appear a little cluttered. Opposite and adjacent to Ruth First House, the paved forecourt is partly enclosed by shrub planting and seating. There is a memorial to Ruth First on the side wall close by, an interesting mural/plaque.

Wanless Terrace and Finney Terrace are tarmaced streets with concrete flagged pavements and Finney Court has an enclosed courtyard in red setts, contemporary lights, bollards and well-designed planting. In Bakehouse Lane the pavements are a mixture of tarmac and concrete flags, with the area also including garage courts with rough tarmac, and a central grass space with trees, there is also a play area enclosed by metal railings and including some seats climbing frames.

Hillcrest and Wear View have concrete flagged pavements and block paving driveways and at Kepier Court the site is overgrown has been boarded up, with the pavements adjacent in tarmac with concrete kerbs.



Image 134 A mix of traditional and contemporary



Image 135 Maintenance and clutter can be issues

12 General Condition

Street furniture/signage in the lower and middle parts of Claypath appears tired and likewise the tarmac road coverings are patched in places giving an unsightly appearance. The condition of the pavements varies considerably, on the south side the Yorkstone paving is cracked in places, and on the north side the concrete flags are patched with tarmac in places, with the newer Yorkstone flags and setts in good order outside Millennium Place.

At the junctions with the Market Place and Millennium Place, the pavements and street furniture are in good condition, but the telephone boxes, railings and bike stands opposite are all worn and in need of redecoration.

To the east of this area the roads and pavements adjacent to the A690, Leazes Road and the roundabout are in good condition. The grass and wooded slopes are in excellent condition and appear regularly maintained, likewise the railings and bus shelters along the A690, the roundabout and the entrance to Milburngate Bridge are in good order.

In Millennium Place itself the buildings appear in good condition, although some are vacant. The public space is well maintained however the surfaces are showing signs of wear. In Walkergate the paved forecourts and the surrounding buildings are again in good condition as are the spaces within

the complex. Contemporary seats/tables create lively frontages and overall the floorscape is well maintained.

The service yards to the Gala Theatre and Millennium Place are in good condition as are the buildings enclosing this space. To the rear of No. 17 Claypath the yard is rather unsightly with degraded areas of tarmac surfacing. Running close by to this is the Kwik Fit service yard, a poor environment with deteriorating surface materials.

On the south/lower side of Claypath the wider variety of buildings appear a little tired and are in need of general maintenance. Many retain original first and second floor details and shopfronts, however some are compromised by unsympathetic forms of signage. The rear yards and former burgage plots are in varying condition, with a number of unsympathetic alterations undertaken over time. Further up Claypath on both sides of the street the properties are generally in good condition, and appear well maintained with sensitive repairs undertaken.

The buildings adjacent to the Kwik Fit offices and the Snooker Club appear to have had little maintenance and care overtime. The empty theatre close by is an interesting building of considerable character that has been closed and neglected for some time. This group of buildings has a rather tired appearance that projects a rather poor image to the overall streetscene.

From the Providence Row junction the variety of buildings on the north side are of varying condition. The listed churches, the former Citizen Advice office (No. 32) and Oldfields restaurant (No. 18) are in excellent condition, while attached and close by is No. 17 Claypath, needing refurbished. The Kwik Fix industrial unit and adjacent Snooker Hall appear unsightly uncared for buildings, plus the decaying former theatre, an important and distinctive building in the streetscene that suffers from neglect.

Similar to the buildings here the rear courtyards and service yards vary in condition. At Moody's Yard the surfaces are in poor condition, the bins are visually obtrusive and the offices/warehouses adjacent are in need of renovation. The buildings in Blue Coat Court are generally in good order however some of the stone and brick boundary walls need some repair work. The large areas of surfacing in tarmac and brown paviours are in good order if rather bland and at St Anthony Vicarage and Priory the buildings and grounds are well maintained and in good order. Adjacent at Bellevue Court the tarmac courtyard is in reasonable condition, however the grounds appear unmaintained and the Quakers graveyard needs attention.

The buildings and surfacing at Leazes Place appear well maintained and cared for. Their enclosed frontages/gardens with ornate railings and steps however vary in condition. Leazes House to the south and its grounds are in very good condition, as are the town houses of Leazes Court with their

landscaped garage courts and gardens. Tinkler's Lane is a little overgrown in places but generally in good order but the high brick and stone boundary walls vary in condition and there are some areas of graffiti.

The pavements and street furniture in Providence Row are generally well maintained and the flat developments, Telephone Exchange, terraces and town housing are in good condition.

Where Providence Row meets Claypath, the important urban public spaces on both sides appears a little cluttered and the street furniture and cobbles require some maintenance. Directly opposite, adjacent to Ruth First House, the paved forecourt is in reasonable condition with the enclosure of planting and seating well maintained.

The properties at Wanless Terrace and Finney Terrace are generally in good order but the tarmac surfacing is in a poor condition in certain places with patched repairs. The concrete flagged pavements to either side appear to be in reasonable order. The recent development at Finney Court with its enclosed courtyard appears in good order as are the houses as and surfacing at Bakehouse Lane. Here though the garage courts are rather unsightly with rough tarmac they are partially screened by the well maintained central open space. The enclosure and equipment to the play area appears tired.

Nearby the properties in Hillcrest and Wear View appear in good order and the gardens on view are well tended. The concrete flagged pavements and block paving in driveways are in well maintained but Wear View's road surface is poor and needs some attention. Kepier Court further along consists of a series of derelict blocks of flats and an overgrown site.

13 The Definition (or Summary) of Special Interest

This section of the document defines the 'special architectural or historic interest of the Claypath Sub Character Area that warrants its designation and conservation area status, the 'character or appearance of which it is desirable to preserve or enhance' The area has been evaluated and described in detail in the previous sections the sum of these values and the key elements identified though the appraisal process are articulated below:

In historic terms the area is significant as Claypath forms part of the city's Medieval infrastructure and was a key route out of the city to the west. The street adheres to its original single-street layout, and general historic grain with buildings occupying original burgage plots, solid building lines, and dense urban form. There are also surviving historic vennels, courtyards and service yards, which are important components of the townscape. The development which has occurred over time does not disrupt the predominance of the historic form with the Victorian terraces in a tight grid system adding to rather than detracting from the surrounding historic context.

The lower part of Claypath historically developed as a commercial area in the Victorian era with excellent physical links to the Market Place which remains in place, and the ancient Medieval route of Providence Row also follows its original path. Importantly the transition from Claypath to Gilesgate remains discernable by the survival of Tinklers Lane.

Architecturally, the buildings vary greatly in terms of their function, age, from, scale and character with Victorian commercial properties, Georgian town houses and cottages, and uniformed Victorian terraces with a number of key individual buildings such as Christ Church. These historic properties stand against modern infill developments and distinctive contemporary buildings which generate interesting and changing streetscenes and roofscapes. The special interest of the area is also drawn from the wide variety and harmonious use of both traditional and modern building materials. The physical integrity of the historic building stock is relatively high, and overall the buildings are in good order, with many surviving features of interest.

The setting of the buildings is enhanced by the boundary treatments around them, and the quality of the surface treatments, these vary from traditional to modern and are generally appropriate to the context.

The local topography has a high influence of the street patterns with many streets stepped following the land form rising up from east to west from the city centre to Gilesgate, and dropping down steeply to the north to the contrasting open environment of the Riverside. This topography also generates many fine views and vistas with the outer Durham Bowl providing a scenic green background.

It is the sub-character area's history and development, the prevalence of the Medieval layout, the diverse range of tightly packed historic buildings (a number of which are listed, others of historic and architectural interest) and the distinctive contemporary developments forming part of the new city. The setting and views unite to create an environment of high significance that contributes positively to that of the whole conservation area.

3 Management Proposals

1 Introduction

The designation and appraisal of any conservation area is not an end in itself. The purpose of this section of the document is to identify the future challenges and to present detailed management proposals to achieve the preservation and enhancement of the area's special character, appearance and significance informed by the appraisal. The future challenges draws upon the themes identified in the appraisal as being 'negative', 'harmful' or a 'threat' to the area's special qualities; whereas the management proposals are specified to ensure that the future change to the area is directed in a proactive way.

This section is designed to fulfil the duty of the Local authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to formulate and publish proposals for the preservation and enhancement of the conservation area. The proposals will provide a management tool for the preservation of the area. Some of them are relatively straightforward to implement and can be realised quite quickly, but in many instances they are medium to long term aspirations. This is not an absolute list but outlines the main issues and possible tasks. It should be understood that the County Council cannot give a definite commitment to undertake these tasks, which will ultimately depend on future financial and staff resources.

2 Future Challenges

The Framwellgate Character Area has a very distinctive historic character and ambience which sets it apart from the rest of the conservation area. It retains a very strong identity but since its designation there has however been some limited erosion of the character of the area.

The appraisal of the area has identified the following threats which are harmful to the special qualities of the area and their continuity would be potentially damaging to the conservation area's significance in the long-term.

Loss of historic fabric and architectural features

This part of the conservation area still manages to retain a high proportion of original historic features in terms of fenestration patterns, original windows, doors, rainwater goods and other architectural details (canopies/hoods, parapets and cornices etc.). These elements fortunately remain despite many of the buildings being un-listed, and there is evidence throughout the area that many of these features have been restored and reinstated. However, there is also evidence that shows that many of the historic buildings have been adversely affected by the loss of original fabric and replacement, for example loss of original windows and the insertion of modern uPVC alternatives, the insertion of modern doors (some installed flush with the face of the walls) loss of traditional cast iron rain water goods and lead flashings, loss of historic brickwork and insensitive infill etc. This has not only degraded the historic

building fabric, but has diminished the overall quality and appearance of the individual properties and in some cases the visual cohesion and overall quality of whole streets, Finney Terrace and Sidegate are prime examples of this.

In the future the potential for similar incremental alterations is very likely to continue and would be difficult to resist with current limited powers. In all cases advice should be sought in advance on appropriate repair, designs and materials, and cost effective solutions discussed. Repair and reinstatement of the existing architectural details is almost always more economical than complete replacement. Article 4 directions could play a vital role in bringing some of the harmful minor changes within the control of the planning system.

Building Condition

At present there is visible evidence of neglect, or a lack of routine maintenance and repair of a number of the historic buildings within the Framwellgate Character Area especially the North Road area; for example flaking or missing paintwork and render to walls and dressings, rotten timberwork, displaced roof slates and failing rain water etc. These basic maintenance issues should be dealt with promptly as even in the short-term failure to address the problem may lead to escalation and greater deterioration and make it more expensive to correct in the future. A delayed response, for example to water egress can lead to irreparable damage to the special features that make a historic building significant.

By carrying out regular inspections it is possible to establish the nature, extent and cause of any problems at an early stage. This gives the opportunity to remedy defects promptly and economically. If investment is not made to upkeep the historic building stock it is likely that the character and appearance of this part of the conservation area will decline. It is important to try and monitor the condition of all of the historic buildings and to report findings and advise actions as necessary.

Inappropriate repairs/materials

The use of inappropriate materials or repair methods can be harmful to historic buildings, both to their appearance and their structure, e.g. the use of cement pointing can be particularly damaging, trapping water within the stone and speeding up erosion. Equally, incorrect pointing, such as smear or ribbon pointing has a negative visual and structural impact. Overtime a greater understanding has developed by period property owners about the damage caused by using 'modern' materials that are not compatible with traditional building construction. The best option in most cases is to repair and maintain them using the same building methods and materials. If the repair of historic buildings is not sensitively undertaken then those qualities which make them significant will be lost and the significance of the building will be diminished. Where historic buildings are of particular importance or complexity, it may be necessary to employ experts from different specialisms to design and carry out appropriate repairs. This may include a specialist conservation practitioner and craftsmen. The use of

traditional materials in any conservation area is an important element of its character and appearance.

Roof Alterations

The historic Medieval core of Claypath, and the Victorian commercial street of North Road within the Framwellgate Character Area has a rich, varied and undulating roofscape which is visible from many public vantage points and contributes significantly to that of the whole City. Although the main historic roofs remain predominantly unaltered, modern interventions are slowly emerging in both the front and rear roof slopes, in the form of 'box' style and flat-roofed dormer windows and obtrusive roof-lights. There are also instances of chimney stack being lowered and where pots have been lost. In the Victorian terraces there are similar changes, but additionally alterations in roofing material from Welsh slate to concrete tiles or synthetic slates, and overlarge extensions that sometimes swamp the rear roofscape. These changes can break up the unity of the roof design and harm the individual aesthetic qualities of the buildings and be detrimental to the wider townscape and streetscene.

It is likely that there will be continued pressure to create accommodation in the roof-spaces and this could led to further unsympathetic alterations diminishing the historic roofscapes. Article 4 directions will play a vital role in bringing some minor changes within the control of the planning system.

Shopfronts and advertisements

Most of the character area is on the edge of commercial city centre, however the main part of North Road and Claypath fall within in it and there are a large number of commercial buildings. This area features a number of surviving historic public house frontages and shop frontages, and former dwellings which have been sensitively adapted to a commercial/retail use. Over time some of the historic shopfronts have been insensitively altered mainly due to modern alterations in terms of modern materials, harsh corporate colour schemes, and heavy obtrusive lighting and unsympathetic advertisements (fascia and projecting/hanging signs) and pavement board signs adding to the overly cluttered appearance. These all lead to a further loss of the historic fabric of the building and character of the area.

Redundancy

Within the Framwellgate Character Area there are a few vacant historic buildings fronting into the Medieval streets around Claypath and the more recent Victorian streets around North Road, these include empty ground floor retail units and some upper floors which are neglected and beginning to deteriorate as a result of their short/medium term vacant status. However, more attention needs to be paid to the more significant historic landmark buildings where their fabric has started to erode due to recent short term /medium vacancy, for example the Miners Hall and Cinema on North Road, and the Cinema /Theatre on Claypath. Although some of these buildings are

not presently considered to be at risk, they do require continued monitoring and security until a suitable new use materialises with the possibility of remediation works to preserve their character and special qualities.

Building Clutter

A number of the principle elevations of the historic buildings within the character area have become cluttered by various modern additions and insertions such as prominent alarm boxes, extraction units/vents, light units, grilles, cables and wiring draped across walls and roofs, and redundant wall fixings e.g. railings. In some cases this is damaging the building fabric for instance where cables penetrate through the window surrounds. These occurrences are more commonly found in the properties in use as rental accommodation, mainly in the upper floors, and around the shop frontages of the commercial properties. There are also examples of a high number of aerials and prominent satellite dishes which are harmful to the historic roofscapes. These issues affect some modern developments fronting the main streets but generally these details are designed into the overall frontages and their character of the building and area is not unduly affected.

Such minor alterations/interventions on the buildings in the conservation area have a collective and detrimental impact on the character and appearance of the individual property and the overall appearance of the streetscene. The fairly straightforward solutions of removing redundant elements and making good the surfaces, combined with the sensitive siting of additions, and the sympathetic routing of cable runs externally and internally without harming the architecture of the building, is likely to successfully reduce such visual clutter.

Change of use

The City has a large and expanding student population which has increased the demand for rented accommodation within the Framwellgate Area. This has resulted in many single-occupancy dwellings being converted into houses of multiple occupation (HMO's), some privately others managed by the University. There will be continued pressure for the change of use of buildings within this character area given that it is in close proximity to the Peninsula and linkages to the New Elvet and Dunelm House. Some of the buildings may be suitable for conversion, others less so, and it is imperative that the growth and distribution of HMO's is carefully considered.

Future conversions should seek to retain the overall character, external appearance and important features relating to the original building, the function of the building and interest, otherwise the structure loses its identity. Conversions can also lead to proposals to extend properties, to allow a higher number of residents, which can have a detrimental impact on the character of the individual properties and collectively the rear streetscene, with overlarge extensions absorbing vital amenity space. Increased pressure for the residential use of underused or redundant upper floor space is also an issue as

proposals may require alterations to the existing buildings external elevations.

Changes of use can also negatively impact upon the surrounding physical environment and some harm has already occurred with visible to-let signs, refuse and recycling bins left out in the public realm and windows divided by internal partitions etc. which gives a poor image and negative bearing on the character of the streetscene. Such issues can be seen presently in places such as Sidegate, Finney Terrace and Wanless Terrace.

Modern/New developments

Within the character area there are a number of infill developments that have been added over time. Although some are of high quality there are others that go against the historic grain and appear to make little reference to the distinctiveness of the area and do not blend in with the local vernacular. In considering proposals for new buildings, or the redevelopment of such sites, amongst the principal concerns should be the appropriateness of development in the first instance, the overall mass or volume of any new building, its scale (the expression of size, floor/ceiling heights, and other definable units such as roofscape), the architectural elements, fenestration patterns and its relationship with its context. A good quality new building should be in harmony with, or complementary to, its neighbours having regard to the pattern, rhythm, details and materials of the surrounding built form.

Similarly, over time a number of rear extensions have been constructed which overwhelm the original identity of the building and uniformed character of the rear streetscenes, and take up valuable amenity space. With no counterbalance in terms of quality, it is imperative that this does not continue into the future. Low quality existing extensions should not inform the design or justify the construction of others. Development needs to be closely controlled and where there is a potential for a negative visual impact this should be resisted or appropriate mitigation implemented to preserve the character, appearance and special significance of the area.

Parking and Traffic Management

This part of the conservation area experiences high volumes of traffic travelling into and out of the City Centre, certain roads are also used as 'rat runs' to shorten journey times, and certain parts can become very congested at rush hour and school run times etc. This has a crucial influence on the physical environment and the area's character and appearance. The proliferation of standard traffic signs, posts, road markings, yellow lines, parking meters, and safety rails etc. inevitably introduces alien features and visual clutter, none of which preserves or enhances the character or appearance of the conservation area.

Traffic calming/parking measures have gone some way to reducing traffic speed, congestion and controlling traffic. The accompanying signage does not always sit well with the strong historic character and appearance of the area because of their locations, uncompromisingly modern materials, colour and design. Poor traffic management within the confines of the Medieval street pattern is one of the key issues that continue to endanger the conservation area. Whilst it is understood that this is difficult to achieve, the impact of such measures can be lessened through careful planning, if the location is appropriate and their design and materials relate as far as possible to the overall townscape.

Street clutter

In some areas of the Framwellgate character area for example in North Road and parts of Claypath, street furniture including seating, refuse bins, cycle racks, bollards, road side railings, parking meters and street lighting etc. can appear a little un-coordinated and rather excessive. In some streets there is evidence of too many different styles and colours of street furniture, while in other areas some items are outdated or inappropriately positioned. This detracts from the historic townscape and gives a poor impression to the streetscene overall. Additionally, approaching and adjacent to the main road junctions and crossing points there is an abundance of standardised traffic signs, road markings and lines, services boxes and other supplementary items creating additional street clutter.

The extent of this roadside clutter can be harmful to the appearance of the conservation area as it can cause significant visual intrusion and impact on important views. In addition it can be obstructive for pedestrians.

A rationalisation of the street items through a collective approach, that takes account the historic setting would be of benefit to the overall image of the area, whilst improving the streetscene and enhancing the setting of the historic buildings.

Boundary treatments

The Victorian brick boundary walls to the terraced housing are a distinctive feature of some parts of the Framwellgate area. Although the rear of most of the uniform Victorian terraced houses rear boundary brick walls are intact, there are some sections of side/rear boundary walls that have been demolished which has opened up the rear of the street compromising the character. Pressure for off-street parking and rear extensions, along with a lack of maintenance and general care continue to threaten the boundary walls. In Kepier Heights, the front and back street townscape of rear and front garden walls, trees, hedges have generally remained intact. However the odd property remains more open where trees, hedges and walls have been removed and front gardens have been opened up to the detriment of the streetscene.

It is important that the surviving historic walls and hedges particularly in historic areas are retained and kept in good order, and the reinstatement of missing sections and features

is encouraged. Article 4 directions can play a vital role in bringing some minor changes to boundary structures within the control of the planning system.

There are a number of important sections of traditional boundary treatments of properties within the Framwellgate Character Area and it is important that these are retained as they are distinctive components of the townscape. Generally the stone walls and hedges at Sidegate leading down the riverbanks, along the back vennels at Tinkler's Lane and in the courtyards, vennels at Moody's Yard and Blue Coat Court are in good order. However there are instances where sections have been altered in the past and areas of walling are in a deteriorating physical condition. The stone cemetery walls to Providence Row and at the rear of Tenter Terrace are weathered in parts, missing stones and copings and suffering from failure of the mortar joints and inappropriate repairs. In some areas for example at Wharton Park and the Station there are some stone / brick work spalling and railings above are rusting in places. It is important that they are maintained and kept in good condition.

Vennels and informal lanes

Some of the vennels, informal lanes and courtyards of Claypath and North Road are poor and uninviting environments for pedestrians. Traditional surfaces have sometimes been replaced by tarmac or concrete setts e.g. at Old Reform Place, Blue Coat Court, or historic surfacing can sometimes be loose or uneven, as at the yard at No 60a Claypath. Walls in places need attention and new infill buildings can be poor in design and detail and too low and large in massing, e.g. Blue Coat Court, Belle Vue Yard. These details, taken together, harm the aesthetic quality of the area and its continued decline would cause significant further harm in the future.

It is important that such spaces are conserved, managed and restored to improve the natural landscape character and aesthetic appeal of this part of the City.

Floorscape and surface treatments

In the Framwellgate Character Area there are areas of historic floorscape in Sidegate, Tenter Terrace and Leazes Place that still survive in some of the streets which enhance the setting of the surrounding buildings and the overall quality of the public realm. Although they are generally in reasonable condition there are some areas in a degrading condition as a result of age, general wear and tear and a lack of regular maintenance and insensitive repairs. In the Victorian terraced streets the surfacing is generally in good order but back lanes are variable, some have uneven surfaces, are covered with weeds and have some of the original granite/stone setts removed. This can create a poor and uninviting environment for pedestrians and the townscape.

The majority of the surfacing is fairly standardised i.e. concrete flags in pavements and tarmacadam roads and hard standing

parking areas. In places these are severely degraded with failing materials, cracked flags and unevenness and inappropriate repairs creating a poor patchwork appearance etc. Such issues can be seen around Claypath, which affects the setting of some of the listed buildings. In North Road (top end) and in Providence Row rectangular flags are cracked and road tarmac surfacing has been patched in places. All these details have an accumulative detrimental impact on the aesthetic quality of the area and continued decline would cause significant further harm in the future.

Green spaces

The northern and eastern edges of the Framwellgate Character Area have a semi-rural character formed by wooded slopes of the Durham Bowl at Aykley Heads, the river valley and floodplain of the River Wear and the farmland beyond. This consists of an abundance of mature trees, hedgerows and embankments, corner green open spaces, and other landscaped elements. These combine to create visually appealing green entrance corridors into this sector of the City and enhance the overall appearance of the public realm and townscape. Similarly, for example in North Road, Framwellgate Peth and Frankland Road to the north of the river and Leazes Road and along Providence Row to the south, one of the main strengths of these streets are the existing mature street trees and landscaping grounds.

These green spaces work well when there is a good and regular maintenance regime but harm the surrounding environment if neglected. The Sands and the cemetery have a high visual and amenity value and it is important that they continue to be used and maintained and not neglected over time leading to overgrowth obstructing the pathways, and overgrown and poorly maintained areas These spaces are subject to a range of uses and pressures and poor management can lead to a deterioration of the conservation value of many of the spaces and this continues to be a threat.

3 Management Proposals

Change is inevitable within the conservation area. The challenge is to manage it in ways that maintain and reinforce the special qualities of the place. The management proposals outlined below are intended to address some of the issues identified in the Conservation Area Appraisal and to set a framework for the future preservation and enhancement of its character and appearance.

Summary of issues

The last chapter identified a number of issues that are affecting the character, appearance and significance of the Framwellgate character area. These are summarised below:

- Loss of historic fabric and important original features;
- General deterioration of historic building fabric through lack of upkeep and regular maintenance;
- Inappropriate/unsympathetic alterations to historic buildings;
- Use of inappropriate repair techniques and materials;
- Insensitive roof alterations, removal of features and inappropriate rear extensions;
- Poor quality new development and design that pays little reference to the context and distinctive character of the townscape/streetscene;
- Low quality shopfronts and advertisements;
- Vacant buildings and buildings deemed to be at risk;
- Visual clutter to prominent elevations and at roof-level to buildings ;
- Loss of character to historic vennels, yards and courtyards in terms of space, buildings repairs and new building, floorscape and boundary treatment;
- Deteriorating boundary walls, loss of sections of walling, and the loss of gates and railings. Removal of hedges and hedgerow boundary;
- Degrading historic floorscapes and the more general surface treatments;
- Use of standard highway and footpath materials;
- Poor visual quality highway repairs, new road layouts and alterations ;
- Excessive street and roadside clutter;
- Poor quality and out-dated street furniture;
- Damage to important green and open spaces;
- Pressure to remove trees, hedgerows and other vegetation;
- Impact and potential future increase in demand for HMO's on the historic building stock.

Objectives

The overall objective of managing change in the conservation area is to ensure that the historic and architectural interest of the place is safeguarded and its character and appearance preserved and enhanced. To this end the Council aims to:

- Protect buildings and overall architecture style of buildings that contribute to the character and special significance of the area;
- Protect features and details that contribute to the character of the conservation area;
- Protect the historic roofscape that contributes to the character of the conservation area;
- Protect views that contribute to the character of the conservation area;
- Protect the historic intimate spaces, vennels, yards and courtyards in terms of buildings, floorscape and boundary treatment;
- Promote the retention of historic surfaces and street furniture in the public realm, that contribute to the character of the conservation area;
- Protect important open and green spaces within the conservation area;
- Protect trees, hedges and hedgerows that contribute to the character and appearance of the conservation area;
- Conserve historic boundary treatments that contribute to the character and appearance of the conservation area;
- Ensure that new development is only permitted where it preserves or enhances the character or appearance of the conservation area;
- Ensure that permeability (good linkages) and legibility (easily understandable frontages that are accessible) are considered in new development;
- Encourage work to improve the appearance of the streetscene and public realm;
- Support a mix of uses to ensure the vitality and viability of the area;
- Increase community understanding and involvement in the conservation area.

Recommendations

This section is divided into two separate parts; Part 1 identifies the underlying themes found throughout the Framwellgate Character Area; whereas Part 2 relates to the specific issues affecting the individual sub-character areas.

Part 1

Loss of historic and architectural features

- Seek to encourage the retention of historic fabric and character where possible through the planning process (windows, doors, rainwater goods, cornices, hoods; bootscapers, etc.) In particular the recognition that historic windows and doors can almost always be retained restored and sensitively modified to improve performance, which although sometimes more expensive, is always preferable to complete replacement with modern reproductions or alternatives;
- Discourage the use of uPVC and other inappropriate materials where possible;
- Conservation Officers to offer guidance to encourage residents to repair original elements in preference to replacement, and to advise on how repairs and alterations should be carried out;
- Where loss of fabric and features are considered justifiable (i.e. deemed to be beyond repair) seek to ensure that proposed replacements are thoughtfully created to be sympathetic to the original material, style and detailing to preserve the buildings character and appearance;
- Encourage the reversal of harmful alterations that have occurred, through negotiations with property owners and through the planning process where the opportunity arises;
- Where consent for alterations is required resist unsympathetic alterations and loss of fabric and traditional architectural details through the positive use of existing development management powers;
- Seek to ensure that unauthorised development is subject to effective enforcement action. This is to protect the special qualities of listed buildings, buildings of townscape merit and the wider area generally and to ensure that detrimental unauthorized alterations throughout the area are rectified where legal powers permit.;
- Consider further Article 4 Directions to withdraw permitted development rights for a prescribed range of development which materially affects aspects of the external appearance of dwelling houses i.e. windows, doors, rainwater goods etc.

General Maintenance/Inappropriate repairs/alterations

- Promote the active maintenance of buildings by advertising the availability of advice and guidance on sympathetic restoration and repair;
- Encourage property owners to carry out routine and continuous monitoring and protective care;
- Educate property owners to fully understand the importance of historic buildings and the way in which future maintenance should be undertaken which could include assistance with developing a maintenance/management plan to prioritise tasks;
- Promote repair works that are sensitively undertaken in suitable materials and utilising best practise conservation methods;
- Seek to reverse poor past repairs where possible;
- Investigate potential for grant funding for building maintenance when available;
- Negotiate through the development management process and / or make use of its statutory powers (Section 215 Notices, Urgent Works Notices, Repairs Notices) to secure the future of listed buildings and unlisted buildings that contribute positively to the special character of the Conservation Area in cases where buildings are shown to be under threat as a result of poor maintenance or neglect;
- Where historic properties are vacant seek to encourage alternate uses that conserve their special interest and qualities;
- Seek to ensure that all buildings of townscape merit are protected from inappropriate forms of development or unjustified demolition;
- Review current design guidance to achieve higher standards of preservation and enhancement and to oppose those alterations which pose a special threat to the character of the area.

Roof alterations

- Seek to encourage sensitive roof alterations where they do not benefit from permitted development rights. For example the insertion of roof lights, satellite dishes and solar panels etc. to be sited as far as is practicable, to minimise the effect on the asset and visual amenity of the area;
- Encourage chimney repair and reinstatement where possible to be rebuilt accurately to the original height, profile and materials to match existing;
- Encourage like for like replacement of original Welsh slate, stone slate and clay pantiles where possible and its reinstatement where already lost;

- Consider the appropriateness of any change in the context of the overall roofscape and seek to preserve the established roof patterns and features;
- Discourage structures on prominent roofs such as satellite dishes and other telecommunications equipment and encourage proposals to be designed and sited where they will have the least detrimental visual impact;
- Consider enforcement action where inappropriate roof alterations have been carried out which have detrimentally harmed the roof structure and the overall character and appearance of the building or streetscene;
- Encourage through the planning process that micro-regeneration equipment is to be sited, where possible, to be concealed from view of public vantage points. The careful siting of solar panels etc. is important to ensure they have minimal impact on the streetscene and key views in the conservation area;
- Promote guidance on the adaption of heritage assets to ensure their safeguarding against the impacts of climate change;
- Consider further Article 4 Directions for changes of roof materials and features (including chimneys, ridge tiles, finials, soffits, fascias etc.) and the insertion of rooflights.

Shopfronts and advertisements

- Encourage the reinstatement and repair of original features that reflect the historic shopfronts of the area and where repair is un-practical encourage sympathetic replacements;
- Discourage the installation of insensitive modern shopfronts and where these presently exist encourage their replacement with shopfronts traditional in design, detailing and materials appropriate to the character of the building;
- Encourage through the planning process the use of traditional materials, form, styling and appearance of any proposed advertisement. Ensure modern signs and materials are only used with discretion where appropriate to the character of the building and not harmful to the streetscene;
- Support enforcement action against unauthorised advertisements where there is a negative impact on the character or appearance of the building or conservation area;
- Discourage the use of shutters and their box housing and consider enforcement action against unauthorised installations which can have a negative effect on the special character of the building and townscape;
- Support the use of illuminated signs only on commercial premises with particular night time uses

and evening opening hours. Ensure the illumination would not be detrimental to visual amenity or highway safety and support enforcement action against an unauthorised installation which has a negative effect on the special character of the building and townscape;

- Discourage the use of and support enforcement action against A-frame or sandwich board signs which can have a negative effect on the special character and also obstruct vehicles and pedestrians.

New development

- Resist development that would lead to substantial harm to, or complete loss of, a designated heritage asset unless demonstrated that this has overriding public benefit;
- Seek to promote high standards of design quality which respects the context of the area and its local distinctiveness;
- Encouraging new development only where it preserves or enhances the character or appearance of the conservation area. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension/development that might be appropriate. The main issues to consider in proposals for additions to heritage assets (including new development) are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting;
- Encourage sustainability of materials into new developments;
- Ensure that new development functions well and adds to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Seek to ensure that new development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Seek to optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- New development should respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation;
- Seek to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- Consider using design codes where they could help deliver high quality and inclusive design, and create

visually attractive as a result of good architecture and appropriate landscaping;

- Encourage pre-application discussion between developers and owners with the Design and Conservation Team and Development Management in relation to all development affecting the special character and appearance of the area;
- Wherever possible seek to preserve through the planning process surviving historic burgage plot boundaries;
- Ensure permeability (good linkages) and legibility, (easily understandable frontages that are accessible) are considered in new development;
- Encourage projects to improve the appearance of the streetscene and public realm;
- Retain a mix of uses to ensure the vitality and viability of the area;
- Where opportunities arise seek to encourage redevelopment of buildings that have a negative impact on the character of the area and look at opportunities in the future for improving buildings/sites that have a neutral impact;
- Ensure that replacement buildings reflect the historic grain and proportions of surrounding historic buildings, including the roof and building line, improve linkages and street enclosure, and should be of materials that are appropriate to those within the surrounding streetscape;
- Seek to ensure through the planning process that proposed rear extensions are subordinate to the host building, sensitively designed to reflect its character and that appropriate matching materials are used;
- Resist extensions and alterations which would have a harmful effect upon the character of the main building, streetscene and conservation area;
- Seek to ensure that all development respects the important views within, into and from the Conservation Area. Ensure that these remain protected from inappropriate forms of development and that due regard is paid to these views in the formulation of public realm / enhancement schemes;
- Seek to ensure that all development respects the important roofscape within the conservation area;
- Ensure new development proposals are accompanied by Heritage Statements, Archaeological Assessments, and Landscape Visual Impact Assessments where applicable.

Public realm/ vennels and yards/green spaces/trees

- Explore funding possibilities for public realm improvement works to key areas;

- Seek to ensure that any surviving historic streetscape features are retained in situ, and that any future highway works will bring a positive improvement to the character or appearance of the Conservation Area. All works should ideally accord with the spirit of Historic England's 'Streets For All' campaign;
- Seek to ensure that any surviving historic vennels/ yard/courtyards are retained and historic walls and paving remain in situ, that existing historic buildings are repaired sensitively (see above) and new build with be appropriate in design, scale and massing (see above). Ensure any future works will bring a positive improvement to the character or appearance of the conservation area;
- Encourage the reinstatement of areas of historic paving that have been lost; ensuring careful reinstatement in original patterns, materials and carried out by an appropriately skilled and experienced contractor;
- Seek a co-ordinated approach to public realm works between all relevant Council Departments/stakeholders etc. including Highways, Streetscene, Planning, Conservation, Regeneration and Utility companies;
- Encourage a review and reduction in traffic management signs, where signs are necessary that these are integrated into single units and sensitively located, with redundant and outdated signs removed;
- Seek to preserve the areas of urban green space from erosion and encourage reinstatement where these have been damaged to ensure that the green infrastructure of the area is retained and enhanced;
- Ensure that landscape, natural and wildlife elements are not eroded or damaged through neglect, misuse or new development;
- Ensure through the planning process that trees/vegetation continue to be protected in the Conservation Area through the Town and Country Planning Act 1990 with significant trees with high amenity value are protected individually by placing a TPO;
- Ensure through the planning process that boundary treatments are protected;
- Support any future street audit to identify confusing, ambiguous, duplicated or unnecessary items of street furniture to reduce street clutter;
- Ensure that careful consideration is given to the appropriateness of the design, material, luminosity and style of future replacements / new items of street furniture such as lighting columns, railings, bollards, bins and street signs with the aim of unifying the style and character;

- Seek to preserve the retention of surviving historic streetscape features which make an important contribution to the character of the area.

Ongoing Management/ Monitoring and Review

- Proactively use policies in the County Durham plan documents and national planning guidance to protect the character and appearance of the buildings, the area and its setting;
- Ensure that the desire to preserve or enhance the character, appearance and setting of the Conservation Area is clearly stated in the development of new policy documents;
- Prepare a local list to ensure that the non-designated heritage assets are preserved and protected from inappropriate alterations or additions which may harm their interest, character or setting;
- Undertake ongoing review and promotion of the Article 4 Directions for changes to windows, doors, architectural details, roof materials and features (including chimneys, finials);
- Consider the use of enforcement powers to address any unauthorised works, and use regular monitoring to highlight where such unauthorised works has been undertake;
- Undertake periodic photographic reviews of the area to allow change to be monitored effectively and problems to be highlighted/ resolved;
- Seek to work with interested groups to encourage participation of the local community in the planning process;
- Carry out building at risk surveys and support formal action to ensure heritage assets are retained; including where necessary notifying building owners of repair works required to their properties.
- Carry out a street furniture audit and update regularly;
- Carry out a public realm audit and update regularly;
- Raise public awareness of the character of the conservation area, its management and protection;

Archaeology

- The Framwellgate Character Area contains a rich archaeological resource as do extensive portions of the neighbouring character areas. Even minor ground disturbance can have a significant impact on archaeology. Leaving archaeological deposits in situ is generally the preferred option but where this is deemed not to be possible then a programme of excavation, recording, analysis and reporting must be undertaken. A similar process of investigation and analytical recording should be undertaken both before and during

alterations to the fabric of historic buildings and structures. The archaeology of the city has been little explored in comparison with that of other urban centres. It is essential that any archaeological investigations take full account of and as far as possible address the research priorities set out in the Northeast Regional Research Framework for the Historic Environment (Petts & Gerrard 2006 and updates).

Part 2

Aykley Heads Sub-Character Area

- Seek to encourage the preservation, structural consolidation, and appropriate repair to sections of distinctive stone walls and the listed battlement to Wharton Park where required and strongly resist complete removal;
- Seek to encourage the retention of the historic stone flags and stone steps in Wharton Park and improvements to the existing surface treatments and floorscapes where opportunities arise. Promote works that conform to best practice are carried out to a high standard, as the condition/materials of some of the present surfaces undermines the overall quality of the historic environment;
- Seek to ensure that all development respects the important views within, into and from this part of the Conservation Area. In particular outstanding framed views from the Battlements at Wharton Park of the Viaduct, the Cathedral and city centre, and glimpses of the Obelisk from the park elsewhere;
- Continue to protect the trees and vegetation in Wharton Park, the mature trees along North Road and belts of trees on the station boundary and along Framwellgate Peth, through the Town and Country Planning Act 1990. Significant trees with high amenity value can be protected individually by placing a Tree Preservation Order;
- Seek to encourage the continued repair and restoration of the listed St Cuthbert Church stone walls and lychgate and other structures and ensure that the setting and architectural quality of the building is not compromised by any changes in the future;
- Prepare a local list of buildings of architectural/historic value to ensure that the non-designated heritage assets are preserved and protected from inappropriate alterations or additions which may harm their interest, character or setting;
- Encourage the retention of the DLI Museum building and grounds and ensure the architectural quality of the building is not compromised by any new development. The landscaped setting of the building is important;
- Encouraging, through the planning process, that new development at potential sites (i.e. Aykley heads site) is

only permitted where it preserves or enhances the character or appearance of the character area by virtue of its location, alignment, building line, scale, height, massing, design and materials;

- Seek to promote that high standards of conservation and urban design are considered in new development at the Aykley Heads site. Ensure permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed spaces, high quality public realm and attractive street frontages;
- Seek to protect the landscape features within Aykley Heads such as the wooded slopes, the burn, the pond and the large mound within the site from development pressures;
- Continue to protect groups of trees and vegetation in Aykley Heads and on the fringes through the Town and Country Planning Act 1990 and Tree Preservation Orders;
- Continue to encourage accessibility for pedestrians and improvements to footpaths and access points into Aykley Heads and Wharton Park.

North Road Sub-Character Area

- Encourage that any proposals for new shopfronts, fascia's and signage preserve historic fabric and features where surviving and are appropriate to the streetscape of North Road;
- Encourage the retention of the historic surfaces in lower part of North Road and Neville Street;
- Seek to encourage improvements to the existing surface treatments in the rest of North Road area using high quality materials appropriate to the conservation area;
- Encourage the retention of the historic vennels, yards and courtyards in North Road area. The spaces, surfacing and boundary treatments and historic buildings are important components of the character of the area and regular maintenance is needed to keep these elements in good repair;
- Ensure that the quality of new building design within the area is of a high standard and appropriate to the context;
- Advocate the continued repair and restoration of the listed Miners Hall and adjacent cinema; and ensure that historic fabric and character is not compromised by development proposals in the future;

- Encouraging, through the planning process, that any new development at potential development sites (eg. bus station), is only permitted where it preserves or enhances the character or appearance of the character area by considering the local context, local distinctiveness and character of its immediate surroundings. Alignment, building line, scale, height, massing, design and materials will be key issues;
- Seek to promote high standards of urban design in new development in the North Road area. Ensuring permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed spaces, high quality public realm and street frontages;
- Seek to encourage the re-use of vacant historic properties and upper floors in North Road to enhance the aesthetic qualities of the area, and ensure that any new use respects the special interest of the buildings;
- Continue to encourage the repair and restoration of the listed south and north platforms at the railway station; and ensure that historic fabric, character and setting is not compromised by new development proposals in the future;
- Whilst the railway station is in private ownership, opportunities should be taken to encourage improvements to the public realm at the bus turning area and entrance to the car park in order to better compliment the high quality buildings. The area would benefit from resurfacing, de-cluttering of signage and new planting;
- Seek to ensure that new development respects the significant outstanding cathedral, townscape and roofscape views from the railway station and railway line and other elevated locations within the conservation area;
- Ensure through the planning process that trees/vegetation in the wooded slopes to the front and rear of the railway station continue to be protected where possible and replaced with new trees where lost;
- Seek to encourage the continued repair and restoration of the listed St Godric's Church and St Anne's Court buildings; and ensure that historic fabric, character and setting is not compromised by development proposals in the future;
- Liaise with appropriate statutory bodies to encourage upgrading of poor road and pavement surfaces around St Godric's and ensure that future repairs and other works by companies are undertaken sympathetically;
- Resist any future proposals which would result in the loss of distinctive cobbled back streets and historic

floorscape to Tenter Terrace and advocate repair rather than replacement of historic surfaces;

- Seek to ensure that the prevalent forms of rear historic enclosure i.e. stone, brick and rendered wall enclosures to the distinctive yard areas, remain in Tenter Terrace and the North Road area;
- Consider selective Article 4 Directions to withdraw permitted development rights which could materially affect the external appearance of important non-listed buildings;
- Ensure through the planning process that any proposed change of use of a historic building to a house in multiple occupation would only be permitted provided the building can accommodate the new use without any erosion of its special character or interest, or without having a detrimental impact on the streetscene or local amenity, and being physically capable of undertaking such alteration;
- Prepare a local list of buildings of architectural/historic value within the North Road and Tenter Terrace area to ensure that these non-designated heritage assets and buildings of local interest are highlighted as being worthy of preservation. Consider the further use of an Article 4 to control demolition.

Milburngate/Sidegate/ Crook Hall Sub-Character Area

- Encouraging, through the planning process, that new development at potential sites (i.e. Sidegate area) is only permitted where it preserves or enhances the character or appearance of the character area by virtue of its location, alignment, building line, scale, height, massing, design and materials;
- Seek to promote that high standards of urban design are considered in new development in the Sidegate area. Ensure permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed spaces, high quality public realm and street frontages;
- Seek to encourage the retention of the historic granite setts in Sidegate adjacent to the Victorian terraced housing. Encourage appropriate repairs to the existing surface treatments and floorscapes where opportunities arise. Promote works that conform to best practice carried out to a high standard, as the condition/materials of some of the present surfaces undermines the overall quality of the historic environment;
- Seek to encourage the continued repair and restoration of the group of listed buildings at Crook Hall. Encourage those responsible for the maintenance of buildings and

out buildings to repair as necessary using best practice conservation methods;

- Seek to encourage the preservation, structural consolidation, and appropriate repair to sections of stone walls along the Crook Hall boundary, where required and strongly resist complete removal; Encourage those responsible for the maintenance of stone walls to repair as necessary using best practice conservation methods;
- Ensure that the setting of the listed structures at Crook Hall is not compromised by potential development proposals within and adjacent to the site in the future. Ensure that development is sensitively treated close to the boundary of the landscaped grounds and historic garden;
- Ensure through the planning process that trees/hedgerows along railway embankments, in the countryside on the fringes, and within this area continue to be protected in the Conservation Area through the Town and Country Planning Act 1990. Significant trees with high amenity value can be protected individually by placing a Tree Preservation Order;
- Ensure the preservation of trees and vegetation on the river embankments to retain the aesthetic qualities of this important green corridor into the city centre;
- Seek to ensure that all development respects the important landscape and townscape views along the riverside locations within the conservation area;
- Continue to encourage accessibility for pedestrians along Framwellgate waterside, to Pennyferry Bridge and along the riverbanks include improvements to footpaths and access points to River Wear. Improve accessibility (resurfacing in appropriate surfaces) and increase awareness (including interpretational material to enhance the visitor's experience);
- Ensure through the planning process, that any new development at potential sites (i.e. Framwellgate waterside area) is only permitted where it preserves or enhances the character or appearance of the character area by virtue of its location, alignment, building line, scale, height, massing, design and materials;
- Seek to promote that high standards of urban design are considered in new development in the Framwellgate waterside area. Ensure permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed spaces, high quality public realm and street frontages;
- Seek to promote that high standards of urban design are considered in any refurbishment of The Gates

Shopping Centre area. Ensure improved permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed street frontages and entrances;

- In the Sidegate Area ensure through the planning process that any proposed change of use of a historic building to a house in multiple occupation would only be permitted provided the building can accommodate the new use without any erosion of its special character or interest, or without having a detrimental impact on the streetscene or local amenity, and be physically capable of undertaking such alteration;
- Prepare a local list of buildings of architectural/historic value within the Crook Hall area to ensure that the non-designated heritage assets and preserved and protected from inappropriate alterations or additions which may harm their interest, character or setting;

The Sands/ Riverside Sub-Character Area

- Seek to ensure that The Sands, an open field in the flood plain, remains free from built development and monitor the green open space to ensure that it remains maintained;
- Ensure that the informal vegetation along the riverbanks is retained and where possible seek to encourage the reinstatement of lost sections to preserve and enhance the green character of this part of the conservation area;
- Continue to encourage accessibility for pedestrians in The Sands and along the riverbanks, including improvements to footpaths and access points to River Wear and Pennyferry Bridge. Improve accessibility (resurfacing in appropriate surfaces) and increase awareness (including interpretational material to enhance the visitor's experience);
- Work with the relevant council sections, local businesses, schools etc. to maintain a litter free environment around the riverside;
- Monitor the redevelopment of the former Ice Rink site to ensure that the development conforms to the high standards and principles of good urban design;
- Seek to ensure that the important outstanding riverside views of the River Wear and views from this part of the conservation area across to the Cathedral are retained;
- Seek to ensure that the open space within St Nicholas cemetery site, areas of matures trees and shrubbery and woodland belts to the north are protected from any future development proposal which may be detrimental to their character, appearance and wildlife significance;

- Seek to encourage the restoration / enhancement of the historic mortuary chapel and stone boundary walls at St Nicholas cemetery;
- Seek to encourage the continued restoration NS enhancement of the important group of historic buildings at Sixth Form College and encourage the removal of unsightly modern extensions and alterations through the planning process;
- Seek to ensure that the open space at the Sixth Form College site (eg. lawned areas, tennis courts, seating areas) and trees, shrubbery and woodland areas are protected from any future development proposal which may be detrimental to their character, appearance and wildlife significance;
- Ensure through the planning process that the mature trees/vegetation within the Sixth Form College site and the Freemans Quay Leisure Centre site continue to be protected in the conservation area through the Town and Country Planning Act 1990. Significant trees with high amenity value can be protected individually by placing a Tree Preservation Order;
- Opportunities should also be taken to encourage improvements to the public realm at the corner car park within the Sixth Form College site in order to compliment the high quality of buildings and the landscaping within these sites. The area would benefit from possible resurfacing, improved boundary treatment, de-cluttering of signage and reorganisation of the parking layout and reduction of parked cars;
- Ensure the retention of the varied boundary treatments and means of enclosure at the Sixth Form College and Freemans Place which are important components of the character of the area including brick walls and piers traditional railings, contemporary sculptural railings, fencing and trees/ hedges. Place an emphasis on the need to keep these elements in a good condition and state of repair;
- Prepare a local list of buildings of architectural/historic value within the Sixth Form College site and St Nicholas mortuary chapel for example to ensure that the non-designated heritage assets are preserved and protected from inappropriate alterations or additions which may harm their interest, character or setting.

Claypath Sub-Character Area

- Encourage through the planning process that any proposals for new shopfronts, fascias and signage within the commercial properties of the character area respect and enhance the physical qualities of historic shop buildings and the streetscape in Claypath;
- Ensure the retention of the historic hard surfacing treatments in Claypath and Leazes Place which are important components of the character of the area, and

place an emphasis on the need to keep these elements in good repair;

- Seek to encourage improvement to the existing surface treatments in the rest of Claypath using best practice conservation methods;
- Ensure the retention of the historic vennels, yards and courtyards in Claypath area. The spaces, surfacing and boundary treatments and historic buildings are important components of the character of the area and emphasis is needed to keep these elements in good repair. It is important to ensure the quality of new building design within these spaces is of a high standard;
- Prepare a local list of buildings of architectural/historic within the Claypath area to ensure that the non-designated heritage assets are preserved and protected from inappropriate alterations or additions which may harm their interest, character or setting;
- Encourage through the planning process, that any new development at potential development sites (eg. Palladium Cinema/theatre and No 17 Claypath) are only permitted where it preserves or enhances the character or appearance of the character area by virtue of its location, alignment, building line, scale, height, massing, design and materials;
- Seek to promote that high standards of urban design are considered in new development. Ensure permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed spaces, high quality public realm and street frontages;
- Seek to promote that high standards of urban design are considered in any refurbishment of the Millennium Place Centre and Walkergate. Ensure active frontages, improved permeability (good linkages) and legibility, (easily understandable frontages that are accessible). Retain a mix of uses if possible to ensure the vitality and viability of the area. Encourage well designed street frontages and entrances;
- Ensure the retention of the varied boundary treatments and means of enclosure at Wanless Terrace, Finney Terrace and Kepier Terrace which are important components of the character of the area including distinctive brick walls, fencing and trees/ hedgerows. Place an emphasis on the need to keep these elements in good repair;
- Resist any future proposals to the Victorian terraced housing (eg. Wanless Terrace, Finney Terrace and Kepier Terrace) for overlarge and out of keeping extensions which would be harmful to their appearance

and to the intimate network of distinctive back streets in and take up too much valuable amenity space;

- Consider selective Article 4 Directions to withdraw permitted development rights for a prescribed range of alterations which materially affect the external appearance of non-designated heritage assets and contribute significantly to the character and appearance of the area;
- Ensuring through the planning process that any proposed change of use of a historic building to a house in multiple occupation would only be permitted provided the building can accommodate the new use without any erosion of its special character or interest, or without having a detrimental impact on the streetscene or local amenity, and being physically capable of undertaking such alteration. Particularly around Finney Terrace and Kepier Heights.

4 Resources

There is currently no grant funding available in this part of the Conservation Area for the repair / restoration of properties. This document has identified what is special about the Framwellgate Character Area and some of the issues it is facing. It can be used to support applications for grant funding when the opportunity arises.

5 Boundary Changes

As part of the appraisal process consideration is given to the appropriateness of the existing conservation area boundary identifying and assessing areas for both inclusion and exclusion based upon their contribution and significance. Within this character area no boundary changes are proposed at this time.

6 Article 4 Direction

Minor development such as domestic alterations and extensions can normally be carried out without planning permission under the provisions of the General Permitted Development Order (GDPO). Article 4 of the GPDO gives local planning authorities the power to restrict these 'permitted development rights' where they have the potential to undermine protection for the historic environment. Using the provisions of Article 4 of the GPDO brings certain types of development back under the control of a local planning authority so that potentially harmful proposals can be considered on a case by case basis through planning applications to help prevent the erosion of the architectural details and character of the older traditional and historic buildings in the conservation area.

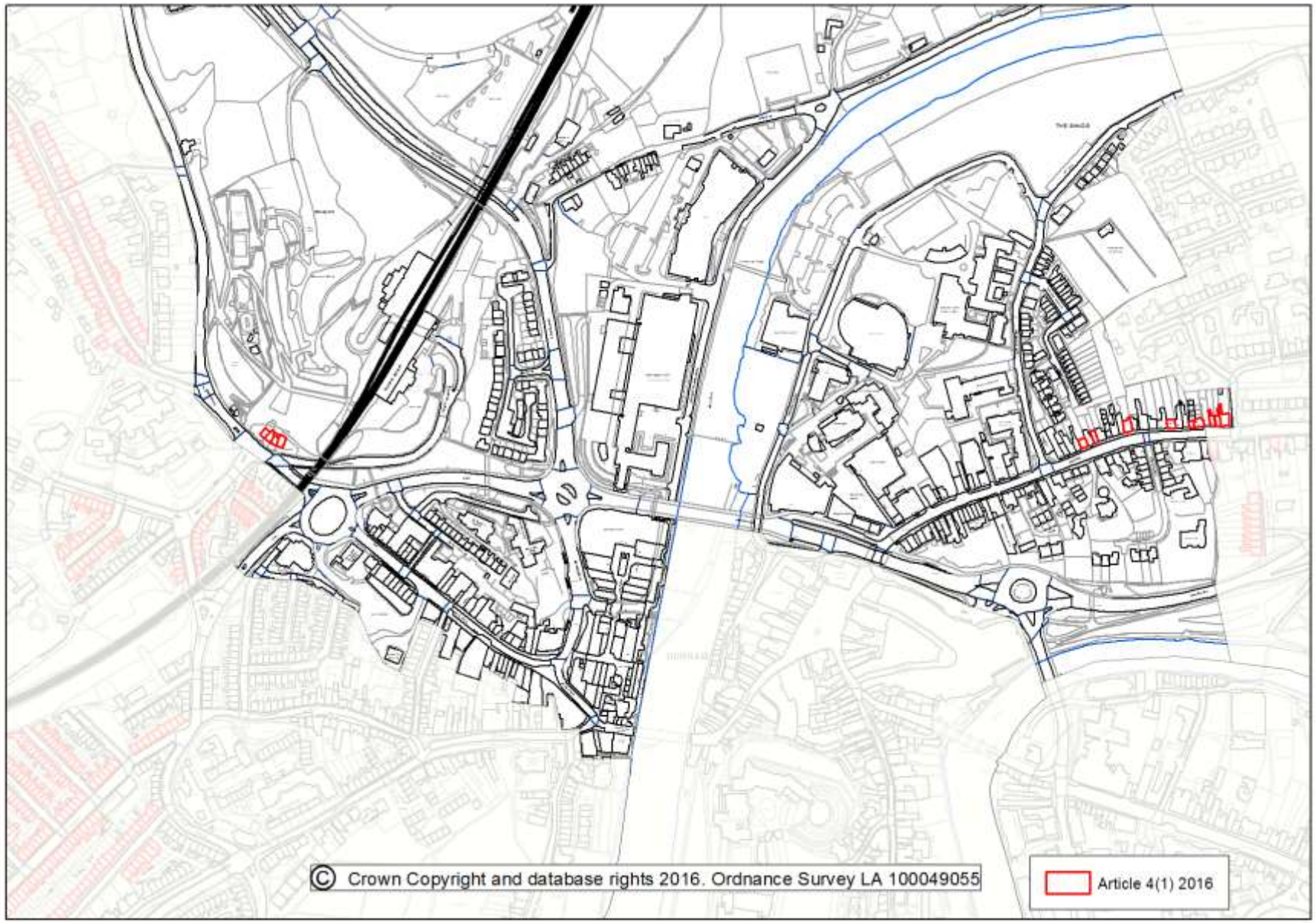
The appraisal of the character area identified a need for an Article 4 Direction to individual unlisted properties around Framwellgate (refer to plan).

The following types of work were included in the new Article 4 Direction approved on 29th July 2016 and formal Planning Permission is now required for the following:

- The enlargement, improvement or other alteration of a dwelling house, where any part of the enlargement, improvement or alteration fronts a highway, or open space e.g. the changing of windows and doors;
- Any alteration to a roof of a dwelling house which fronts a highway, waterway or open space, e.g. change in roof material, Velux windows and dormer windows;
- The erection or construction of a porch outside any external door of a dwellinghouse which fronts a highway, waterway or open space;
- The erection or alteration of buildings or enclosures, swimming or other pools incidental to the enjoyment of a dwellinghouse or containers used for domestic heating purposes, within the curtilage of a dwelling house which fronts a highway, or open space.
- The laying of hard surfacing within the curtilage of a dwelling house where the hard surface fronts a highway, or open space;
- The installation, alteration or replacement of chimneys, flues or soil and vent pipes on a dwellinghouse;
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house which fronts a highway, or open space;
- The painting of the exterior of a dwelling house which fronts a highway, waterway or open space.

Flats, shops, public houses and commercial premises do not enjoy the same permitted development rights as dwellings, so the Article 4 Direction does not apply and consequently these properties are not included on the plan. Listed buildings are also not included as Listed Building Consent is already required to carry out these types of works.

Article 4 Map









Appendix 1

Listed Buildings

Appendix 1 - Listed Buildings

The following is a list of the listed buildings within the Framwellgate Character Area, taken from the national register managed by Historic England. A listed building is a building of special architectural or historic interest, as specified by the Planning (Listed Buildings and Conservation Areas) Act 1990. Listing is made at three levels of importance. Grade I, Grade II* and Grade II. Listed Building Consent is required before any alterations, extensions or demolitions can be made to a listed building which might affect its fabric, character or appearance. N.B Buildings and features within the curtilage of listed buildings may also be regarded as being listed.

Further information on the National Heritage List which includes listed buildings and other statutory designations can be found online at:

https://historicengland.org.uk/listing/the-list/

THE GREY TOWER, NORTH ROAD

List entry Number: 1121395

Grade: II

House, possibly lodge. Late C18/early C19, possibly incorporating an earlier house. Coursed squared sandstone with ashlar plinth and dressings; roof not visible. L-plan. 3 storeys, 2 bays. North elevation has entrance tower set back at right; 2-centred-arched head to partly-glazed ledged boarded door in double-chamfered surround under dripmould. Slit on each floor above, blocked on first; corbelled battlemented parapet. Flat stone lintels and flat stone sills to 2-light casements in left 2 bays under projecting battlemented parapet. One-storey, one-bay left extension has inserted bow window. South elevation has label moulds over 2-light casements and flat- coped parapet.

BOUNDARY STONE ABOUT 40 METRES NORTH OF JUNCTION WITH OBELISK LANE, NORTH ROAD

List entry Number: 1160415

Grade: II

Boundary marker. Sandstone block, triangular in sections and about ½ m. high, with sloping top. Inscribed H.&.L.A, 1878 on top; D.U.S.A. on north face; D & C-S N B on north face.

CHURCH OF ST.CUTHBERT, NORTH ROAD

List entry Number: 1121396

Grade: II

Parish church. 1858-63 by E.R. Robson. Coursed squared sandstone with ashlar plinth and dressings; dark slate roof with diaper patterns in light slate. Early English style with French influence.

Northwest tower: nave and chancel with south aisle; north vestry. 3-stage tower has paired west doors flanking central statue of St. Cuthbert, in wide 2-centred arch with flower-carved band under dripmould; tympanum has carved Christ in Majesty flanked by symbols of Evangelists. Second stage has 2 tall slits under gabled dripmoulds; top stage has tall shafted belfry opening of 3 orders under zig-zag moulding. Strings at each stage, the second crocketed and the third moulded; square stair turret at left has arcaded second stage under tall conical stone roof; saddle-back tower roof with crocketed gable copings. West front set back has large wheel window over 3 lancets, separated by a buttress from the aisle. Aisle windows are groups of 2 or 3 lancets with foiled roundels over. North nave windows have paired cusped lancets under quatrefoils. 5 similar groups in apse. Drip strings, that on nave below foils. Buttresses, those on aisle massive. Steeply-pitched roof, conical over apse. O.S. bench mark on north face of west buttress.

Interior: brick with ashlar band and dressings, painted; waggon roof with king-post trusses. 3-bay arcade has pink granite columns with crocketed capitals; paired bracketed shafts on square ashlar piers, unpainted, at either end; zig-zag moulding to 2-centred arches and to narrower arch to southeast organ chamber. Tower has ribbed vault to porch with roll-moulded door whose inner arch has 4 orders. Windows have rere arches, those in aisles cusped, on colonettes, those in apse on Frosterley marble shafts. Dripmoulds. Aumbry in north chancel wall and sedilia in south, the latter crocketed. Octagonal font on 4 shafts has banded flat cover. Glass in west windows has Te Deum; signed in lower lancet T.E. CURTIS / WARD AND HUGHES LONDON 1899. West aisle has 2 windows by the same firm; all commemorate members of Barnes family. East bay of aisle has 3 lights showing the miracle of loaves and fishes, the Light of the World and the Good Shepherd, signed WAILES AND STRANG ARTISTS Newcastle upon Tyne; to members of the Cherry family.

england/

LYCHGATE WEST OF CHURCH OF ST. CUTHBERT, NORTH ROAD

List entry Number: 1322873

Grade: II

lychgate war memorial. Dated 1918. Coursed squared sandstone; wood upper part; Welsh slate roof. Chamfered coping to stepped walls canted forward and to side walls of gateway; wood-panelled upper part supports gable with date carved on beam over 2-centred arch; carved spandrels; carved bargeboards. Steeply-pitched roof has swept eaves. Wood gates curved up at sides. Wood benches inside.

THE BATTERY IN WHARTON PARK, NORTH ROAD

List entry Number: 1322852

Grade: II

Belvedere and gun emplacement. 1858 gift to city from W.L. Wharton. (Latin inscription on inner face). Coursed squared sandstone retaining wall with ashlar parapets. 2 platforms linked by walkway. Battlemented parapets, stepped at left turret, and corbelled walkway; chamfered copings.

STATUE OF NEPTUNE IN WHARTON PARK, NORTH ROAD

List entry Number: 1310577

Grade: II

Statue of Neptune. Resited from Market Place pant. 1729. Coursed squared sandstone plinth; lead statue. High tapered plinth supports life-size standing figure holding trident; dolphin beneath one foot. Temporarily removed at time of survey for restoration.

FRAM WELL HEAD, FRAMWELLGATE PETH

List entry Number: 1120637

Grade: II

Well head. 1450 rebuilt 1847 and restored1959; resited from 165 yards to the northeast. The gift of Thomas Billingham to the city. Coursed squared sandstone. Rectangular plan with low diagonal buttresses; slot in east side; south side has rebates for door, now blocked and containing commemorative plaque giving history of well. Steeply-sloped coping 3 courses high.

CROOK HALL, FRAMWELLGATE WATERSIDE

List entry Number: 1159909

Grade: I

House. C14 manor house; C17 and early C18 link to mid C18 house. Coursed squared sandstone earlier part with Welsh slate roof; English garden wall bond later part with ashlar quoins and dressings and Welsh slate roof with stone gable copings. At right end is 4-bay hall; left kitchen wing and C17 extension from which C18 house breaks forward. One high storey to hall, 2 storeys and 2 bays to kitchen wing; 2 lower storeys to 2-bay link; 3 storeys and 3 bays to addition; 11 bays in all.

Hall has 2-storey projection at left, 2 cupsed ogee-headed lancets at right; ruined right end, garderobe tower and chamber. Tudor-arched door in gabled M 2-storey projection has lintel dated and initialled 16 71 under bull's eye; I F small square window above has chamfered surround; central mullion removed. Rear elevation has 2-centred-arched door surround at opposite end of passage from main door. Interior: sandstone walls, part coursed and squared. Roof trusses perhaps C16, with truncated principals on tie beams, curved struts, and clasped purlins; ashlaring at eaves. Later fire-hood backs onto passage at front end, and is partly removed; brick wall supports massive stone lintel. The only domestic open hall known in County Durham.

C17 link has 2 gables over 2-storey one-window part at left and 2-storey-and- attic, 2-window part at right: horizontal sliding sashes at left in stone surrounds from which central mullion has been removed; at right, cross windows on ground floor, sashes with glazing bars above and blocked attic window. Interior: large wood lintel to fire at left; triangular-section blocks forming stair; ceiling beams with painted red undulating foliage.

C18 house at left; 3 storeys, 3 bays. Sashes with glazing bars, some wide in wide boxes; 2-storey entrance bay at right has door with 3-over-3 panels and 3-paned overlight in lugged architrave. Main house has sandstone lintel bands, 2-brick floor bands, moulded kneelers and end brick chimneys. Left return has massive brick chimney stack with offsets, and floor bands at differing levels from those of front; quoins altered at floor level, suggesting re-fronting of earlier house. Interior: High-quality stair has ramped grip handrail on alternate vase-and-column and rusticated-column balusters; carved tread ends. First-floor panelled room has round-headed niches, and elaborate chimney-piece, perhaps a composite of C18 and C19 work, with terms supporting garlanded corniced top. 6 fielded panels to doors. Stucco ceiling cornices and dove with basket, badge of Hopper family, pervious owners.

BARN NORTH OF CROOK HALL, FRAMWELLGATE WATERSIDE

List entry Number: 1254241

Grade: II

Barn and loft. Early C18. Brick with roof of pantiles. 2 storeys, 3 bays. Wide timber lintel to vehicle door at right; tall segmental-headed central doorway. Wood lintel over door at left. 3 segmental-headed second floor openings. Brick upper-floor-level band. Being restored at time of survey.

BARN WEST OF CROOK HALL, FRAMWELLGATE WATERSIDE

List entry Number: 1323252

Grade: II

Barn and loft. Early C18. Sandstone rubble with ashlar quoins and brick dressings; Welsh slate roof, 2 storeys, 3 bays. Loading door at left under brick elliptical arch. Right return gable has pitching-hole with boarded doors.

DURHAM RAILWAY STATION FRONT RANGE, STATION APPROACH (NORTH END)

List entry Number: 1161508

Grade: II

Railway station. 1857, probably by G.T. Andrews for North Eastern Railway Company. Coursed squared sandstone with ashlar dressings; Welsh slate roof with stone gable copings. Main block H-plan; extension to left, including former water tower; short extension to right. Tudor Gothic style.

Main block: 2 storeys, 5 bays; 3-bay central portico has double-chamfered Tudor arches on plinth, with steps up to the central arch; diagonal buttresses and battlemented parapet. Renewed doors at centre and right have overlights, the right stone-mullioned over shouldered door; cross window in left bay.

Stone mullions and transoms to windows of 1 and 2 lights above. Gabled end bays contain wide loading door at left and cross window at right on ground floor; stone cross windows above; label moulds to windows in gabled bays. Steeply-pitched roof of fishscale pattern; sloped copings resting on moulded kneelers; truncated polygonal chimneys. Left extension has one-storey 3-bay link (with casements and steeply- pitched roof) to battlemented tower on blocked arcade. Small outbuilding to left of main block has shouldered surround to door in right return; sloped coping to wall. One-storey one-bay right extension in similar style.

DURHAM RAILWAY STATION WEST RANGE AND CANOPY, STATION APPROACH

List entry Number: 1121344

Grade: II

Passenger building and canopy. Circa 1857. Probably by G.T. Andrews for North Eastern Railway Company. Coursed squared sandstone with ashlar dressings; Welsh slate roof with stone gable copings. Main building H-plan with extensions, linked by C20 insertion to lavatory block at right. One storey, 8 bays and one- storey, one-bay block at right. Main part has 3 mullioned-and-transomed 6-light windows in centre flanked by gabled bays containing paired doors, with 2-paned overlights at left and paired windows at right, under label moulds; further set- back one-bay sections obscured at left and with one window at right. Steeply- pitched roof has sloped coping on kneelers; truncated octagonal chimneys.

Lavatory block of one storey, one wide bay with 5 high square ventilators under gable.

Canopy: 2 ridges resting on cast iron Gothic beams and octagonal columns with leaf capitals. Doors to platform are ledged and boarded.

CHURCH OF ST.GODRIC, CASTLE CHARE

List entry Number: 1120717

Grade: II

Roman Catholic parish church. 1864 by Edward Welby Pugin; tower 1909-10 by Pugin and Pugin. Coursed squared sandstone with ashlar plinth and dressings; roof destroyed by fire. West tower; nave and chancel with north aisle and east apse. Gothic style. 4-stage tower has north door: 9 panels with mouchette-traceried overlight in 2-centred moulded arch; tall transomed windows above have 2 lights with dagger tracery; 2 tall slits above these; top stage has tall paired belfry openings with cusping below trefoil top lights. Set-back buttresses with offsets; niche in northwest angle has statue of saint. Floor strings; top arcaded corbelling to pierced parapet with large corner pinnacles. Paired aisle windows under cinquefoil clerestory lights; easternmost 2 are larger and under gables with elaborate cross finials; similar gables over 2-light windows of 3-sided apse; linking moulded coping has gargoyles. Stepped continuous sill string.

Interior: plaster; pink granite columns and sandstone ashlar dressings. 5-bay arcade has 2-centred arches on round columns with billflower capitals. Dripmoulds. Roof missing and interior damaged by fire at time of survey.

CASTLE CHARE COMMUNITY ARTS CENTRE, CASTLE CHARE

List entry Number: 1159303

Grade: II*

House, later convent; now arts centre. Early C18. Incised stucco with painted ashlar dressings and plinth; chamfered quoins; Welsh slate roof with brick chimney. Rear shows Flemish bond brick with moulded floor strings and dog-tooth cornice. 3 storeys, 3 bays. Central door has diagonal panelling in lower half under 4 panels; wide architrave. Flat stone lintels and projecting stone sills to sashes with glazing bars. Parapet with cornice.

Wing at right of 3 storeys, one bay,set back; plain surround to renewed door under blocked overlight; small window above.

Double-span roof to main house has central and side brick chimneys,and is hipped at left.

Interior: main staircase in left part has fat turned balusters supporting wide, ramped and wreathed grip handrail, fluted rectangular newels and curtail. Panelled dado without rail to first flight. Front left room on second floor has raised fielded panelling. Rear wing has ground-floor room at higher level on slope; this has much rococo decoration in plaster and carved wood. Enriched mouldings to shutters and doors; swags and garlands in panels and covering ceiling; similar decoration to chimney-piece with bracketed cornice and marble and marbled stone inner surrounds. Ionic Venetian case to garden door with broad glazing bars in overlight and sidelights. Tall staircase window. Many 6-panelled doors with L hinges and wide architraves; several C18 chimney pieces, some with later cast iron grates. Brick-vaulted cellar has re-used grooved wood in lintel. Roof has apex collars to trusses, of which feet are hidden by floor; staggered purlins.grooved wood in lintel. Roof has apex collars to trusses, of which feet are hidden by floor; staggered purlins.

NORTH ROAD METHODIST CHURCH, NORTH ROAD

List entry Number: 1160401

Grade: II

Bethel chapel, now Methodist church. Dated 1853 in top panel. By E R Robson. Coursed squared sandstone with rock-faced basement and ashlar dressings; Welsh slate roof with stone gable copings. Classical style. 2 storeys, 3 bays. 8 steps up to dentilled pedimented Ionic porch with panelled double door in round arch. Flanking fixed lights have lozenge-patterned leading and coloured glass under flat stone lintels. Round-headed sashes above, the central tripartite and stepped, under bracketed keyed arches and dripmould. Sill strings between Giant Tuscan pilasters defining bays. Top entablature and pediment with panel BETHEL CHAPEL and date under roundel containing spiral-spoked wheel. Plain wrought iron handrails on steps have plain rods and acanthus-bud principals. Boot-scraper attached to left of door.

27, NORTH ROAD

List entry Number: 1121436

Grade: II

House, probably minister's house of Methodist Chapel (q.v.). Circa 1860; probably by E.R. Robson. Coursed squared sandstone with high plinth; Welsh slate roof. 2 storeys, 3 bays. Symmetrical. Panelled central double door in painted stone Tuscan doorcase with modillioned cornice. Tongue-stopped moulded surrounds to late C19 sashes; first-floor sill band; gutter cornice. Roof hipped at right; ashlar ridge chimney with modillioned cornice.

UNITED BUS COMPANY CANTEEN, NORTH ROAD

List entry Number: 1160392

Grade: II

House, now canteen. 1842 by J.L. Pearson. Coursed squared sandstone with chamfered quoins and ashlar plinth and dressings; Welsh slate roof with rendered chimney. 2 storeys, 3 bays. Renewed steps up to central 6-panelled double door in wide architrave. Painted flat stone lintels and projecting stone sills to sashes with glazing bars. Low-pitched hipped roof has chimney on front slope.

FORMER MINER'S HALL (RISTORANTE LA CANTINA), 15-17, NORTH ROAD

List entry Number: 1121435

Grade: II

Miners' Hall. Dated 1875. Sandstone ashlar; roof not visible. 2 storeys, 4 bays; tower over fourth. Ground floor C20 shops. First floor has bays defined by pilasters; round-headed windows in recessed arches, the right end window smaller and pedimented in architrave with pediment. Rusticated pilasters have paterae on necking. Top entablature inscribed. Balustraded parapet has globe and square finials. 2-stage octagonal tower has round-headed slits; angle pilasters; high octagonal dome has 2 ball-and-spike finials.

PREMISES OCCUPIED BY ZAKS MENSWEAR AND JEWELLERY CENTRE, MILBURNGATE

List entry Number: 1310686

Grade: II

House, now shop. C17 with alterations. Sandstone rubble ground floor; timber frame above with rendered nogging; roof Welsh slate with rendered chimney. 2 storeys, 3 bays. Thin wood lintels over renewed central door and late C19 sash at left; cornice over plain shop window at right. First floor has 2 similar sashes and close-studded centre panel; some timbers renewed. Steeply- pitched roof has tall transverse chimney.

UNITED REFORMED CHURCH HALL AND OFFICES

List entry Number: 1120681

Grade: II

Presbyterian church, later successively Independent and Congregational. 1751. Dark red brick with sandstone plinth and rendered ashlar dressings: roof of concrete tiles. 2 storeys, 2 bays and small one-storey porch at left to basement. Wide steps up to renewed central door, flanked by round-headed sashes with glazing bars in round brick arches and with projecting stone sills. Smaller windows above of same type and small rectangular perforated iron ventilator in gable peak. Left return has 3 large round-headed windows of same type. Interior shows ground floor offices and vestry with some fielded panelling; beaded panelling in entrance hall; front stair has turned newel with urn-shaped finial, grip handrail, fat square balusters on first flight; rear spiral stair by St. Pancras Ironwork Co., London, in Gothic-style cast iron. Included for group value.

UNITED REFORMED CHURCH, CLAYPATH

List entry Number: 1159380

Grade: II

Congregational, now United Reformed, Church. 1885-6 by J.T. Gradon. Snecked sandstone with ashlar plinth and dressings; Welsh slate roof with decorative red ridge tiles. Aligned north-south. Decorated style. Elaborate hinges to paired, 2-centred-arched doors on street front in moulded arches with central pink granite column. Dog-tooth moulding to arches and to quatrefoil window over, set in shallow gabled panel with fleur-de-lis finial. Large 5-light window above has head-stopped dripmould. 3 cusped lancets at left of door and one at right. At extreme right, tower of 4 stages has 2-centred-arched door facing forecourt and 2-light window facing street in first stage; upper stages have blind arrow slits and 3 small lancets beneath broaching of octagonal belfry. 2-light louvred belfry openings under frieze; stone belfry spire with decorated bands on gargoyled base. 6 lancets in north aisle; 7 roundels to clerestory. Piers, walls and gate in front: 2 square piers in front: broached to octagonal domed coping; cast iron lamp-holder finials. Dwarf wall linking baptistry and piers. Gothic-style iron gate at left to passage to rear. Rear has area railings of wrought iron with curved pointed heads. Interior: painted plaster with boarded dado; crocketed cast iron columns; stone-corbelled brackets supporting king- and queen-post roof. West gallery now part of inserted first floor. Crocketed capitals to nave arcades with delicate spandrels or iron circles. Gothic style wide pulpit at east.

32, CLAYPATH

List entry Number: 1323234

Grade: II

House, now offices. Circa 1740. Painted brick with painted stone dressings; Welsh slate roof. 3 storeys, 2 bays. 6-panelled door at left in architrave under bracketed pediment Narrow sash to left, sash to right and 2 on each upper floor have flat brick arches and painted projecting stone sills. Wide brick floor strings. Eaves gutter board with cast iron gutter. Roof, half-hipped at left, has swept eaves and wide rear brick chimney. Interior shows wide dog-leg stair with wide ramped grip

handrail on turned balusters; architraves to some doors; 2 C18 chimney pieces on top floor. Entrance passage has dado with fielded panelling. Round-headed stair window.

38, 39 AND 40, CLAYPATH

List entry Number: 1159412

Grade: II

3 houses. Late C17/early C18. English garden wall bond brick (mostly 6 and one); painted ashlar dressings; Welsh slate roofs. 3 storeys, 2 bays each house. Renewed door at left of No. 38 in deep reveal and stone surround with shaped top panel; No. 39 has one step up to 6-panelled door and overlight at right in deep panelled reveal and pilasters with fluted necking supporting cornice; No. 40 flushed door at left with overlight in similar doorcase with patera on frieze. Canted bays of 3 storeys to No. 38 and 2 to No.40; No. 38 has boarded panels between floors. No. 39 has tripartite sashes on each floor with header-course lintels and projecting stone sills; similar sills to renewed windows of No. 40, some with header-course lintels. Nos. 39 and 40 have brick floor bands. Swept eaves to roofs of first 2 houses; steeply-pitched roof to No. 40. Foot-scraper recesses beside doors. End chimney to each house.

42, CLAYPATH

List entry Number: 1120682

Grade: II

House. Late C18. Flemish bond brick with painted ashlar plinth and dressings; Welsh slate roof. 3 storeys, 2 bays. 4-panelled door and 3-paned overlight at right in raised stone surround; renewed sashes in 2-storey canted bay and in paired windows on second floor and windows in right bay, that on top floor smaller; header-course lintels and sill bands. Dog-tooth brick top cornice. Steeply-pitched roof has left end brick chimney.

45, CLAYPATH

List entry Number: 1159422

Grade: II

Shop. Dated 1871 in gable. Flemish bond brick with ashlar dressings; Welsh slate roof with stone gable coping and cast iron balustrade. Gothic style. Half-glazed door at right and yard entry at left have chamfered pilasters with carved quatrefoil ornament; central 2-light shop window has pointed segmental arches on pilasters, with crocketed capitals and clasping rings, set in wide chamfered segmental arch; ground-floor cornice on gabled fascia brackets. First floor oriel, the lower part boarded, has pierced trefoil parapet in front of top-floor paired sashes with chamfered brick and stone jambs and flat stone lintel and sill. Quatrefoil-decorated blocks support coped gable over window and terminate roof balustrade of scrolled foliage. Iron gable finial. End chimney square with ashlar sloped coping and square yellow pots.

46, CLAYPATH

List entry Number: 1323235

Grade: II

House. Early C19. Rendered with plinth; painted ashlar dressings; graduated Lakeland slate roof with stone gable copings and brick and ashlar chimney. 3 storeys, 2 bays. 2-panelled door and overlight at left in deep reveal of Tuscan doorcase. Shouldered raised surrounds and projecting stone sills to late C19 sashes. Foot-scraper recess. Right return gable rests on curved stone kneeler

47, CLAYPATH

List entry Number: 1159436

Grade: II

House. Early C18. Painted incised stucco; Welsh slate roof. 2 storeys, 2 windows. 5-panelled door and overlight at right in wide architrave; plain sashes with projecting painted sills and stop-chamfered reveals. Swept eaves to steeply-pitched roof; truncated right rendered chimney. Foot-scraper inset beside door. Interior shows grip handrail to renewed stair balustrade; 2- panelled doors in architraves; first-floor principal room has tall cupboard with double doors in keyed arch surround; thick shaped shelves. Included for group value.

51, CLAYPATH

List entry Number: 1120683

Grade: II

Incorporating No. 49. 3 houses, now flats. Former No. 49 at left late C18; No. 51 at right mid C18. Painted incised stucco, with painted ashlar dressings and quoins to right build; Welsh slate roofs with gable coping and brick chimneys. 2 and 3 storeys, 2 and 4 bays. At right of first house 6- panelled door and overlight with glazing bars in panelled surround with prominent cornice; painted projecting sills to renewed sashes with late C19 glazing. Foot-scraper recess. Roof has swept eaves and renewed left end chimney. Second house has 6-panelled doors and overlights in wide architraves at left and in third bay, the latter with bracketed hood. Late C19 sashes flanking main door and on top floor have plain reveals and projecting painted stone sills; 2 first floor oriels have slate roofs. Curved kneelers support gable copings; 2 rear end chimneys. Interior shows open-string stair with vase balusters and wide grip handrail; interior of flat No. 5, rear of first floor, has chimney piece with bracketed diagonal pilasters supporting cornice; fluted pilasters flank high window; broad ceiling frieze has stucco floral design; 6-panelled door in architrave.

52, CLAYPATH

List entry Number: 1311046

Grade: II

House. Circa 1820. Incised stucco with rendered plinth; Welsh slate roof with brick chimneys. 2 storeys, 3 bays. Central 6-

panelled door and overlight in pilasters under cornice. 2 windows on each floor are late C19 sashes with painted projecting stone sills. First floor band. Steeply-pitched roof has 2 rear chimneys.

53, CLAYPATH

List entry Number: 1323236

Grade: II

House. Mid C18. Rendered with plinth; Welsh slate roof with flat stone gable coping. T-plan. 2 storeys, 3 bays. Central 4-panelled door in panelled surround has wrought-iron brackets supporting hood. Renewed sashes in flanking bays have painted projecting stone sills. Left gable coping with curved kneeler. Rear wing ridge rises above front ridge. Foot-scraper in recess.

56, CLAYPATH

List entry Number: 1159445

Grade: II

House. Early C19. Incised stucco with painted ashlar plinth and ashlar dressings; Welsh slate roof; brick chimney. 3 storeys, 2 bays. 4-panelled door and overlight at left in plain wood surround with hood. Sashes above door have glazing bars, those in right bay have late C19 glazing, all with projecting stone sills. Low-pitched roof has one end chimney.

64, CLAYPATH

List entry Number: 1120684

Grade: II

House. Late C18. Flemish bond brick with ashlar plinth and dressings. Welsh slate roof. 3 storeys and basement, one bay. 2 steps up to partly-glazed 6- panelled door at right in deeply-fluted pilasters under cornice. Painted wedge stone lintels and projecting stone sills to sashes with glazing bars. Roof hipped to street; left chimney. Cellar shute beside door has iron grille.

66, CLAYPATH

List entry Number: 1120685

Grade: II

House. Late C18. English garden wall bond brick (mostly 5 and one) with painted ashlar dressings on rubble plinth. Stone side steps on brick base. Welsh slate roof. 2 storeys and attics; 3 bays. Side steps up to 6-panelled door in wide architrave under cornice. Header-course lintels and painted projecting stone sills to tripartite sashes with late C19 glazing bars in outer bays; central bay has small horizontal sliding sash of 2 lights under eaves. 2-light attic windows in bargeboarded dormers with finials. Ridge chimney at right end.

69, CLAYPATH

List entry Number: 1159448

Grade: II

Mechanics' Institute, now saleroom. 1841 by Ignatius Bonomi and J.A. Cory. Sandstone ashlar with Welsh slate roof. 2 storeys, 3 bays defined by pilasters with flat rustications on first floor: ground floor completely rusticated but for cellar plinth. Panelled double door and overlight in right bay, flanking boot-scraper niches in plinth (scrapers missing). Sash windows with glazing bars in plain reveals, breaking band on ground floor and architrave at top entablature. First-floor sill band and prominent eaves cornice. Stone gable copings and gable end chimneys.

Interior has main first floor hall with moulded egg-and-dart cornice, moulded cases to ceiling beams on triglyph bracketed pilasters, ornamented roses and small gallery at street end.

70, CLAYPATH

List entry Number: 1323237

Grade: II

House and shop,now restaurant. Late C18. Incised stucco with felt-covered roof and brick chimney. 2 storeys, 2 bays. Shop has early C19 slender pilasters flanking door and window; sashes with glazing bars on first floor have plain reveals. Small ventilator in roof.

71, CLAYPATH

List entry Number: 1159454

Grade: II

House, now offices. Late C18. Painted brick and ashlar dressings; Welsh slate roof with brick chimney. 3 storeys, one wide bay. Partly glazed door and overlight at left in architrave; late C19 sashes in moulded frames have projecting stone sills; flat stone lintels on ground and first floor; header-course brick lintel at eaves to top window. End chimney.

THE TRAVELLER'S REST PUBLIC HOUSE, 72 AND 73, CLAYPATH

List entry Number: 1120686

Grade: II

House and public house, now public house. 2 builds, that at right incorporating earlier building. Render; upper floor of right build has pebble-dash render in broadly-spaced timber frame. Welsh slate roofs with brick chimneys. 2 storeys, 2 bays each build. House at left has yard entry and 6-panelled door at left flanked by pilasters under cornice; late C19 sashes in right bay, and narrow sash over paired openings, have projecting stone sills; steeply-pitched roof has end chimneys. No. 73 at right has lower storeys. Half-glazed double door at left and blind door at right framed on slender pilasters which support fascia end cornice. Oriel and C19 sash above. Included for group value.

THE BIG JUG PUBLIC HOUSE, 83, CLAYPATH

List entry Number: 1159462

Grade: II

House, now public house. Mid C18. Painted brick; rear wing C17 timber-framed. Welsh slate roofs. L-plan. 3 storeys, 5 bays. Late C19 ground-floor public- house front; wide vehicle entrance at right. Upper floors have double-keyed flat brick arches and painted projecting stone sills to late C19 sashes. Floor bands. Roof has swept eaves; 3 ridge brick chimneys. Large gilded jug sign early C19. Rear wing of 2 storeys and one bay has timber framing visible on left return.

91 AND 91A, CLAYPATH

List entry Number: 1323238

Grade: II

2 houses, now with shop and restaurant. Late C18. Flemish bond brick with painted ashlar dressings; cast iron shop columns; roof concrete tiles and Welsh slate. 3 storeys, 2 bays each house. Left house has C19 shop with central recessed door, with overlight and sidelights, between round-cornered windows; slender columns support upper floor; altered door at right. Wedge stone lintels and projecting stone sills to sashes with glazing bars. Stone gutter brackets. Low-pitched roof with end chimney.

No. 91A at right has altered ground floor; windows and gutter brackets similar to those of first house; Welsh slate roof. Included for group value.

1-6, LEAZES PLACE

List entry Number: 1120622

Grade: II

Terrace of houses. Circa 1840. English garden wall bond brick with ashlar basement, quoins and dressings; Welsh slate roof. Cast and wrought iron gas lamp, area railings and foot scraper. Basements and 2 storeys; 3 bays to No. 1 with left return to Claypath, 2 bays to remaining houses; 13 bays in all. 6-panelled doors and overlights, those of Nos. 3 and 4 with glazing bars. Tuscan doorcases to Nos. 3 and 4, fluted pilasters with Greek key frieze and cornice to remaining houses. Wedge stone lintels and projecting stone sills to sashes with glazing bars; large first-floor oriel to No. 4. Roof, hipped at left end, has ridge brick chimneys. Wrought-iron foot scraper shaped '2' set in step of No: 3. Incised ashlar block with street name at left end. Gas lamp attached between Nos. 4 and 5: mid C19, cast and wrought iron; square, with high acorn-shaped finial, and resting on iron bracket. Area railings to Nos. 5 and 6 are spear-headed with rear stays and set in chamfered dwarf walls.

7-12, LEAZES PLACE

List entry Number: 1310729

Grade: II

Terrace of houses. Circa 1840. English garden wall bond brick with painted ashlar basement plinth, ashlar quoins and dressings. Welsh slate roof; cast iron area railings. Basements to Nos. 7 to 11, 2 storeys to each house; 2 bays each except No. 12 with right return to Claypath, which has 3 bays; 13 bays in all. 6-panelled doors and overlights, those to Nos. 8, 10, and 12

with glazing bars, in Tuscan doorcases (except No. 12 which has fluted pilasters with Greek key frieze and cornice). Wedge stone lintels and projecting stone sills to sashes with glazing bars; No. 8 has large first-floor oriel. Roof, hipped at right, has ridge brick chimneys. Spear-headed area railings set in chamfered dwarf walls to Nos. 6, 7, 8, 9 and 11, all with rear stays and some with gate-post panels.

LEAZES HOUSE, LEAZES PLACE

List entry Number: 1323243

Grade: II

Villa, later school. Circa 1848 for John Henderson, carpet manufacturer. Sandstone ashlar; roof of large graduated slates. 2 storeys, 3 bays. Central Tuscan porch with square columns contains recessed half-glazed double door with side and overlights; inner door has fanlight with glazing bars. Giant Tuscan pilasters define bays, the central bay recessed, containing sashes with glazing bars, flat stone lintels and projecting stone sills. Eaves band with paired brackets supporting wide eaves of hipped roof; tall stone chimneys. South garden front on right return has 2 canted bays of 2 storeys. Interior shows oval light over stair well; renewed stair balustrade. Elliptical landing arches and similarly-shaped landing windows, obscured by inserted partition wall. Window shutters, some obscured by work benches. Servants' stair has plain balustrade and handrail. Empty at time of survey.

LEAZES COTTAGE AND PART OF STABLES AND COACH HOUSE ATTACHED, LEAZES PLACE

List entry Number: 1160120

Grade: II

Coachman's house, stable and coach-house. Mid C19. House: rock-faced sandstone with ashlar dressings; roofs of Welsh slate. 2 storeys, 3 bays. The right bay, set back, contains steps up to 4-panelled door and overlight recessed in raised stone surround. Similar surrounds and bracketed sills to 2 plain sashes on ground floor and one on first. Paired brackets support deep eaves interrupted by central bargeboarded gable in main left part. Delicate wrought-iron leaf finial on gable. Panelled square chimneys have plinth, band and wide cornice. 2 bays of squared sandstone rear stable wing retain original openings and chimney. Beyond this chimney, the building is much altered and not of special interest. Included for group value.

11, PROVIDENCE ROW

List entry Number: 1161150

Grade: II

House. Circa 1810. Painted incised stucco with ashlar plinth and dressings. Brick rear. Lakeland slate roof; brick chimney. Double span. 2 storeys, 3 bays. Central 6-panelled door and fanlight in doorcase of panelled pilasters and open pediment. Projecting stone sills to blind window over door and to sashes with glazing bars in outer bays, the upper ones tripartite. 2 foot scraper recesses flank door. 4 end brick chimneys.







Appendix 2

Notable Unlisted Buildings

Appendix 2 - Notable Unlisted Buildings

The following buildings are not statutorily listed but make a considerable contribution to the character and appearance of the local scene and are important enough to warrant identification. There will be a presumption in favour of preservation of any of these buildings without clear justification for their loss in accordance with national planning policy. Such buildings add to the historical and general architectural richness of this part of the conservation area and careful attention should be given to proposals likely to affect such buildings. The omission of any particular building should not be taken to imply that it is of no interest.

Area 1

Garden House Public House

Landmark building that dates back to the early 19th century, Formerly the Woodman's public house, it is a busy Inn and hotel, much altered in recent years and now called The Garden House. Long linear frontage in white painted pebble dash and a series of slate roofs with prominent tall rendered chimneys. The series of first floor sliding sash windows and the symmetrical pattern of bay and arched entrance is attractive. On the ground floor there is a symmetrical pattern of bays and an arched entranced, with panel and half panelled glazed doors. At the rear there is a large extended painted modern timber conservatory but the roofline and scale has been carefully broken up.

DLI Museum

Durham Light Infantry Museum built in 1964-8 by Tarren and Caller designed as a dark glass box on a slender concrete frame with the top storey art gallery, offices and round ended stair tower, all in white aggregate cladding. The museum was originally a sophisticated cuboid design, but despite more recent art gallery extensions it still retains a simple attractive simplicity. The circular ground floor refectory addition resulted in a slight deterioration in the overall massing and the simple built form and choice of materials. The original dark glass has been replaced by solid walls in stone aggregate cladding. The DLI building is positioned sensitively within the centre of the site overlooking the ponds and enveloped to the rear and partially to both sides by woodland.

Amphitheatre and walls, Wharton Park

Stone walls of Wharton Park dated 1857, part of the original grounds to Mount Beulah (now St Leonards School), summer gardens and terrace on the knoll on Windy Hill, which exploited not only the spectacular views of Durham Castle and Cathedral. William Wharton bequested the use of Windy Hill to the City in July 1858, and Wharton Park became one of the first public parks in the region.

The high stone walls to Wharton Park along North Road are a key feature in the streetscene and provide a sense of enclosure to this busy route into the city. There are visual breaks at the entrances into the park such as the vehicular entrance and stone steps with stone piers and wrought iron locked gates. Within the park itself there are a series of important interconnected stone walls that support the terraces, separate the spaces and provide enclosed boundaries. The amphitheatre links effectively with these walls creating an intimate semi-circular space.

Repairs to the walls are being undertaken currently as part of a Heritage Lottery Funded project.

Stone walls / piers, St Cuthbert's Church

St Cuthbert Church and its large churchyard and walls have significant presence within the streetscene. The Parish Church itself is listed and dates from 1858-63 by E.R Robson. The listed lychgate west of the church and stone walls attached to the frontage of the lychgate along North Road and to the rear of the church facing Framwellgate Peth are significant features extending southwards from the church where it adjoins Wharton Park.

Area 2

War memorial to 1st World War

Enclosed elevated churchyard surrounded by high stone walls and metal railings leading up to church entrance. Stone War Memorial commemorating the First World War located adjacent to the Church frontage. Stone Cross on stone plinth with carved motifs and lettering.

The Presbytery, Tenter Terrace

Prominent detached large Presbytery, this building has been much altered, and the original (possibly Georgian) building has been refurbished to add a post WWII frontage facing the road. The walls are in pebbledashed white render, there are brick surrounds to timber casement windows, timber boarded painted doors. The roof is prominent, a large hipped slate roof with tall matching brick chimneys. The front of the building retains some of its original appearance.

The School buildings, St Godric's and St Anne's Court, Castle Chare

Attached to the frontage of St Godric's and St Anne's former convent is the former brick school building that has a strong presence in the streetscene. The former school has been converted to flats with parking in the forecourt. The contrasting red brick provides a rather lively addition with the attractive fenestration pattern, a series of sash windows, half gabled dormers, stone sills and heads. The slate roof above sits independently from the former convent roof.

Stone boundary walls to St Godric's and St Anne's Court, Castle Chare

Relatively steeply sloping site surrounded by coursed, random stone walls with triangular coping along the boundary to Castle Chare and Milburngate, 18th and 19th century. Enclosed car park at the front surrounded by high stone walls, railings and metal gates, recently repointed. Terraced landscaped gardens at the rear are hidden by tall stone walls and vegetation.

Railway walls leading to Station Approach

Sandstone random coursed walls approximately 1.5 to 2 metres high with copings supporting the embankment, running parallel to the pavement on the north side to Station Approach, winding up to the south platform that links in with the steep stairwell that cuts into the embankment. To the south of the Station adjacent to Station Approach is an attractive viewing platform surrounded by high stone walls and an ornate railing. Directly below this area in a well concealed wild area of open space, the station walls loom high above.

The walls extend to the underpass providing vehicular and pedestrian access to the north platform. To the rear of the north platform there are stone walls and overhanging trees to Wharton Park.

Tenter Cottage, No 25 Tenter Terrace

No 25 Tenter Terrace is a curious building that reputedly housed the wages office of a factory, now a residential property. This building is a compact, tall, and perfectly symmetrical cottage with a very steep impressive roof and delicate ridge tiles framed by two tall chimneys. The red brick walls are broken up by stone string courses, stone surrounds and stone mullions. Windows are casement openings and stain glass over lights, a panelled door and fanlight sits centrally.

Shakespeare Hall, No 71, 72 and 73 North Road

Modest Shakespeare Hall, with its painted rendered frontage, well ordered fenestration with top hung casements and ornate surrounds. Welsh slate roof with dentiles, simple roof form. Three shopfronts, simple Victorian shopfronts with attractive fascias, cornice, corbels and stone carved pilasters.

No 65 North Road,(Weatherspoons)

Former bank building at 65 North Road, particularly grand frontage, two and half storeys. Attractive red brick frontage enhanced with stone detailing; stone surrounds, string courses, stone quoins, stone arched heads, lintels, stone porch canopy and supporting columns. Fenestration pattern is regular and symmetrical on first and second floor with arched heads to dormers, large opening to grand ground floor window and carriage opening. Sliding sash windows 6 over 6, new glazing to large arched ground floor opening. Slate roof, ornate stone dentiles, dormers and brick chimneys.

No 64B North Road.

Dutch gable distinctive red brick frontage, attractive stone parapet. Distinctive fenestration, sash window second floor with ornate terracotta surround, first floor bay with sash

openings and ground floor stone original pilasters and new modern shopfront, painted timber but in the traditional style. Notable as this appears to have been a group of buildings in the street constructed mid/late Victorian.

Reform Place. No 74, 75 and 76 North Road.

Reform Place is part of North Road with an esoteric range of architectural styles, indicative of the rapid expansion of the City in late 19th century. Reform Place consists of the remains of warehouses and storage buildings served by an archway from North Road with Victorian shopfronts, ornate timber pilasters, fascias, cornice and consoles facing the road frontage. Two storey building with simple fenestration sash and more modern casement replacements and stone frontage, in sandstone coursed and random, stone quoins, heads and sills and simple slate roof.

No 5 to 12 North Road

No's 5 to 12 North Road are narrow tall Victorian commercial buildings, two and three storeys in height with attractive shopfronts. These are notable as they appear to have been the earliest in the street constructed with the road in the 1830s. They are of an attractive mellow stone construction with simple yet ordered facades of one or two stories above a ground floor shop unit. Timber shopfronts survive, in part, in a number of properties as do some sash windows. The windows are set within plain openings with flat ashlar lintels. Slate roofs are steeped down and staggered along the gently sloping street, with prominent chimneys. Later phases of development are characterised by modifications to these properties or complete rebuilding. The former introduces rendering and later window styles, such as projecting bay windows whilst redevelopment takes the form of grander more stylised buildings and the use of non-local building materials bricks and tiling.

The Cinema, North Road

The stone fronted former cinema noteworthy prominent frontage; constructed from ashlar stone with attractive string courses, pediments and a central molded archway. There are attractive round arched windows above the recessed frontage and modern entrance doors. Flat roofs directly behind parapet and large slate pitch roof. Building not fully utilised, restaurant on ground floor.

No 31, 32, 34 and 35 Milburngate

In front of The Gates Shopping Centre adjacent Framwellgate Bridge is a cluster of tall narrow possibly early 19th century frontage properties. The dark brick and rendered buildings have attractive fenestration patterns, black painted sash windows (8 over 8 and 6 over 6), oriels/double bays protruding out into the streetscene and simple fairly plain good quality contemporary shopfronts, the roof forms are broken up to provide an interesting mix of pitched slate roofs. No 33 is listed dating back to 17th century.

Area 3

Pennyferry Bridge

Pennyferry Bridge is the most recent addition to the river crossings around the City built in 2003 as part of the Millennium Place development. The bridge takes the form of a horizontal deck with a graceful span supported by three cables running from the top of a single 'A' frame set into the riverbed close to the eastern bank. There was a specific parapet detail designed using splayed horizontal rail to lighten the visual weight of balustrading structure. It is a key focal point along the riverside.

Crook Hall Farmhouse (south west of Crook Hall)

Crook Hall Farmhouse an L-shaped building of coursed random rubble with roughly shaped quoins, all openings are modern casements but there are various traces of older openings. The basic fabric of the east /west block is 17th century with an uncompromising 1980's extension. Steep Welsh slate roof with an 1980s extension of unsympathetic concrete tiles. The Farmhouse associated with the precious Medieval relic of Crook Hall (a 14th century stone and brick hall with the 17th and 18th century wing and a fine Georgian town) and various 18th century buildings consisting of two barns, a coach house, granary and farm house clustered around a central courtyard.

The Barn/Old Granary House (north of Crook Hall)

Two storey old granary, located just to rear off Crook Hall, two storey. Constructed in brown/red handmade bricks at first floor and sandstone random laid on the ground floor, brick string courses above front entrance. First floor has four slit openings and brick arched heads, new window insertion, new timber boarded door and over light, sash windows on either side. Red clay pantiled roof and metal flue.

Crook Hall Walls

Within Crook Hall the Medieval buildings and barns are enclosed in part by Medieval walls which have been altered and added to over the centuries. The gardens are subdivided by large stone walls up to 1.5 to 2m in height, varying condition. Stone random laid and also coursed stone, some quoins and also handmade bricks. One wall near the Medieval hall displays a bee oven. The vehicular driveway up to Crook Hall features important random stone coursed walls.

Area 4

Remnants of the Mill and Mill Race

Milling existed in Bishop Mill (Corn Mill) since early Medieval times, and the Corn Mill stood on the weir downstream from Framwellgate Bridge (at Walkergate) until 1960's, with only remnants remaining. By the 1939 map the mill race had been filled in and Freeman's cottages and gardens removed for the construction of the ice rink. The former ice rink has been recently demolished to provide new office accommodation, phase 2 of which is currently being constructed (Dec 2015). The Mill Race and remnants of the mill has been retained in front

and there has been an ongoing archaeological dig to record any previous industrial developments.

The former Durham School/Sixth Form College Buildings

The Sixth Form College was originally Durham County School built in 1913, a mix of school buildings fronting onto the original Mill Race. In recent years the school buildings have been converted to Sixth Form College and enclosed by a series of modern school classroom extensions and art centres.

The Sixth Form College consists of a number of Edwardian buildings. The main school building has a characterful frontage with a central rounded bell tower in lead with finials above and adjacent towers on the wings projecting forward. The roofs are set back behind ornate brick parapets and are in natural slate with ridge tiles. The frontages are in red brick with brick and stone string courses, pediments and window surrounds and clay tiles. The windows vary on the main building, there are rounded first floor openings, curved bay windows, sliding sash windows, and top hung casement openings. The front door is timber painted.

The rear projecting wings attached display similar quality in walling and roofing materials but the details and the fenestration patterns are generally less grand, although there are tall 15-pane sashes to the rear. The classroom buildings have prominent frontages stepped down Providence Row.

The Lodge Building within the grounds is a squat lodge house fronting Freeman Place. Of the ancillary structures within the site, the building fronting The Sands car park is the most noteworthy. Map evidence indicates that this was originally built sometime between 1899 and 1923 and it is of interest because of its age and simple design and character, architecturally it is in keeping with the style of the rest of the College. The modest lodge building at the front has a delightful simplicity, the large sash windows have been recently replaced but the profile and style has been fairly faithfully replicated Its original use remains as a lodge/caretakers house illustrated, and that it exhibits a certain character .

Coach houses and outhouses

Possibly outbuildings to the former Victorian laundry on the site, demolished in recent sites, now a car park. Used for storage, part of Sixth Form College. Outbuildings have few window openings some have been boarded up facing the car park but the large cart-door type openings and timber doors have been retained. Built from dark red brick and includes flat-arched brick heads to the windows, buildings have stepped roofs, steeply pitched of natural slate the taller building featuring a small brick built chimney.

The former Durham County School/Sixth Form College walls/railings

Low brick walls dated circa 1913 with red brick piers with stone string courses and ornate stone copings and black painted

metal railings and gates to the Sixth Form College at the south end along Providence Row. In addition to railings and walls, trees, hedges and fencing provide means of enclosure throughout the site, important components within the streetscene.

St Nicholas cemetery, Gravestones and Stone walls

The ancient parish of St Nicholas comprised of the central portion of the city, St Nicholas had a small graveyard in front of the Medieval church in the Market Place, but there was an additional graveyard close to the south of Claypath, adjacent to the former Chapel of Thomas the Martyr. This has been demolished, yet the approximate location of the churchyard and graves remains where St Nicholas cemetery is today. The site was formalised by the end of the Victorian era scattered with stone gravestones, enclosed by fine stone walls and a mortuary chapel was built in the centre perched on the steep slope.

Random Victorian stone walls with copings along boundaries to St Nicholas cemetery, particularly visible down Providence Row directly in front of the entrance and to the rear of the Youth Centre. The stone walls continue around the whole of the cemetery, which also includes mature trees around its boundaries.

The mortuary/chapel St Nicholas cemetery

Chapel of St Nicholas, a simple Victorian Building that was a former mortuary. Constructed in coursed sandstone with a steeply pitched natural slate roof. Built in the Victorian Gothic style with fine arched stone surrounds to the solid timber painted doors, arched surrounds to the tripartite windows, but unfortunately the original stained glass has been infilled by bricks.

Area 5

No 1 to 5 Blue Coat Buildings

No's 1 to 5 Blue Coat Buildings are distinctive in the streetscene as a result of their lower scale. They are modest two storey properties wedged between the taller buildings. The properties dates from the 19th century, built in brick in English Garden Wall bond and include sliding sash windows above late 19th century shop frontages with traces of older openings above. Archway to the Blue Coat courtyard to the rear is important.

St Anthony's Vicarage

A substantial Victorian villa with various offshoot extensions. The Priory of the Sacred Mission is an attractive stone house of 1850 in the neo Tudor style. It has rubble masonry in the small rear west wing, part of an earlier house, and has prominent steep pitch roofs, gables and attractive bargeboards, chimneys and ridge tiles. There are a number of traditional timber sash openings and modern windows in the ground floor, an ornate

porch and attractive front door provides an interesting entrance.

The Priory is an attractive tall faceted stone tower with a sloping mono-pitch roof rising to a significant point with glass panels inset below, the tower is connected by a long linear link to the main house.

St Anthony's Cottage

Small detached cottage in St Anthony Priory's ground, late Victorian. Handmade dark brown bricks, slate hipped roof. Symmetrical frontage, well-proportioned with casement windows and leaded lights. Attractive porch (later addition), gable fronted with 1930s front door and stain glass glazing panels.

Quakers Burial Ground

In one of these courtyards to the south, The Quakers meeting house was built in 1679, sadly this disappeared last century but the forlorn graves in part survive at the burial ground close to St Anthony Vicarage. A small space of significance historic value

No18 Claypath (presently Oldfield's Restaurant)

Late 19th century building of brick with ashlar dressings and an impressive frontage including neo-Tudor windows, a polygonal oriel, "DCC" monogram in stained glass and also pierced by a weather vane. Regrettably, the original ground floor has been lost to a 20th century shopfront but this has some quality.

No 25 Claypath

Three storey Victorian property attached to the former Palladium Cinema. Brick frontage, painted frontage, slate roof and brick chimney. Sliding sash, six over six pattern at first and second floor, stone sills and heads. Shopfront, modern fascia and some alteration, shopfront frame/layout likely to be as original, timber panelled door and fanlight above.

No 26, former Palladium Cinema

The next noteworthy building in this part of the street is the former Palladium Cinema which opened in 1924 but sadly has been vacant for many years. The building has a one bay street frontage of painted ashlar in the Art Deco style, its main feature being the large moulded arch with keystone and carrying a cornice with details at the ends.

No 29 Claypath

Two storey late Victorian/ early 20th century building, brick frontage with parapet and flat roof. Extensive warehouses to the rear. Brick string courses, brick heads and stone sills, chamfered side frontage. Side elevation, visible brick elevation. Rendered at ground floor and painted shopfront, simple shopfront, slender glazing bars and shopframe, extended fascia.

No 33, former Post Office headquarters

A key landmark building now converted into flats, it is a fine building with a well balance symmetrical frontage. The red brick elevations with stone string courses and plinth are prominent at the front and at the side. The roof has a prominent parapet in stone and brick and hidden sloping roof structure to the rear. The fenestration is attractively balanced with two prominent arched windows surrounding the grand entrance and a stone door surround on the ground floor, imitation sash windows can be seen at first and second floor level diminishing in size with stone surrounds. On the side elevation there are similar style openings but less grand in size.

No 41 Claypath

A small unlisted two storey cottage that is dwarfed by the taller properties to either side, the roof is low and wide, and the frontage is rendered and colour-washed and although it may date from the 18th century it appears to have been heavily remodelled in the 20th century, but nevertheless it has a degree of character .

No 43, 44 and 48 Claypath

Good examples No 43, 44 and 48, demonstrate a broad variation of architectural styling with frontages a mixture of brick in English Garden Wall bond, or subtle tones painted render and painted incised stucco; window and door types mainly have a symmetrical fenestration pattern with diminishing sized sash windows and central panelled doors of four and six panels with over light, wide surrounds, architrave and canopy. There are, paired sash windows, 12, 4 and 2 paned sash windows, mullion windows, stone surrounds, headed course lintels and sills.

No 55/54 Claypath

Tall rendered three storey Victorian property, wide frontage with slate roof and metal downpipes. A regular fairly regimented fenestration of sash windows of diminishing sizes. Second floor level and left hand side 6 over 6 squat windows, first floor and ground floor 6 over 6, elongated. Timber sashes but on ground floor replacement in uPVC, stone sills throughout.

No 59 and 58 Claypath

Two storey pair of Victorian cottage, No 59 double fronted, pebbledashed first floor, smooth rendered ground floor, painted pale blue. No 58 has a slate roof and brick chimneys and painted metal downpipes. No 59 has symmetrical fenestration, sash timber windows in a 3 over 3 pattern, stone sills. Modern timber painted door, simple architrave. No 58 first floor sash, 3 over 3 and timber mullion and pair of sash. Modern timber painted door and hood dated above.

No 60, 60a, 60b and 60c Claypath

Group of three storey properties, Victorian, set behind in a small enclosed courtyard.

Rendered property, tiled roof with brick chimneys, two storey off shoot. Sliding sash openings, three over three, on all levels,

small top hung timber casements, stone sills painted, panelled and modern timber painted doors, overlight above. Front gardens enclosed by timber fencing, yard surfacing a mix of gravel, tarmac and river cobbles.

No 65 Claypath

Distinctive double fronted building, two and half storey Victorian property. Rendered frontage painted pale yellow, slate roof, brick chimneys. Half dormers, mullion/casement windows. First floor and ground floor large mullion windows, sash opening (one over one) sliding sash openings, sliding sash glazing side panels 2 over 2, Central panelled door, overlight and attractive fluted architrave.

No 79 Claypath

Distinctive double fronted building, three storey Victorian property. Symmetrical frontage, sliding sash openings two over two second floor, blind middle window, stone head and lintel. Large first floor flat bay and timber panelling below, sliding sash 2 over 2, and side sash panels. New shopfront with extended fascia, timber cornice, consoles and fluted pilaster, stone stall riser. Timber panelled side door and half glazed door in recessed opening. Slate roof and central brick chimney.

No 80 Claypath, former Police HQ,

Also of interest is No 80 an imposing building formerly a library and Police Station. It is a three storey building of red brick with painted ashlar dressings, a tall slate roof with overhanging eaves, and with attractive doors surrounds, pointed arched sash windows, string courses and plinths that add interest into the streetscene.

No 81, Blue Coat Cottage

Blue Coat Cottage is a charming Georgian cottage with a white rendered frontage, slate roof and sliding sash windows.

No 84a and b, 85, 86, 87, 88, 88a, 89, 90, 92 and 92a Claypath

On the south side of Claypath at the lower end of the street near to the Market Place the historic buildings are mainly Victorian commercial properties, of three storeys and two bays with narrow frontages. The properties are predominantly constructed from multi-red/brown brickwork in English Garden and Flemish bonding patterns below steeply pitched slate roofs of varying heights with attractive ridge tiles, the ridge lines punctured by prominent brick chimneys with multiple chimney pots.

Some of the grander properties feature painted ashlar dressings, stone string courses and stone plinths and windows are typically well proportioned sliding sashes either 6-over-6 or 2-over 2. There are also examples of oriel windows or most have brick sills and chamfered heads. A significant feature of many of these buildings are the surviving Victorian shop

frontages which are well proportioned and traditionally designed incorporating stallrisers, pilasters, corbels, cornices, and recessed doorways etc. This historic built form is so successful that new development at No 92 and 92a has tried to create the same style, late twentieth century pastiche that has picked up elements of scale, broken up roof form, with slate roofs and tall chimneys etc.

Kepier Court, Victorian Penitentiary

Rambling Victorian Penitentiary still remaining. This is a striking solid three storey building of sandstone with a steep slate roof and tall prominent sandstone chimneys and strong gables. The windows sit in an orderly fashion and are small casement openings which have been replaced in recent years. The grounds were developed in the 1970's with new blocks staggered at different levels down the steep sloping terrain in a north /south direction, not following the existing street pattern.







Appendix 3

Buildings at Risk

Appendix 3 - Buildings at Risk

The character area suffers from a small number of vacant commercial units with an air of neglect which blight the historic streetscenes and general the appearance and vitality of the area. Most of these properties, while currently vacant and suffering from minor defects due to lack of maintenance, are still in sound condition. While their reuse and continued upkeep should be encouraged, their physical condition is not currently a significant cause for concern. There are, however a number of buildings/structures within the character area identified during the appraisal process as 'at risk'.

A Building at Risk is usually a listed building, or an unlisted building within a conservation area, which is either; vacant with no identified new use, suffering from neglect and/or poor maintenance, suffering from structural problems, fire damaged, unsecured and open to the elements, threatened with demolition. These are listed below:

The Former Miners Hall, 15-17 North Road

English Heritage Building at Risk List entry Number: 1121435

Grade: II

Miners' Hall. Dated 1875. Sandstone ashlar; roof not visible. 2 storeys, 4 bays; tower over fourth. Ground floor C20 shops. First floor has bays defined by pilasters; round-headed windows in recessed arches, the right end window smaller and pedimented in architrave with pediment. Rusticated pilasters have paterae on necking. Top entablature inscribed. Balustraded parapet has globe and square finials. 2-stage octagonal tower has round-headed slits; angle pilasters; high octagonal dome has 2 ball-and-spike finials. Evidence of damp and water egress on roof and front elevation, Roof repairs required and rainwater goods, some stone repairs. Vegetation removal on the parapet. Building not in full use, some empty ground floor and first floor accommodation.

The United Bus Company Canteen, North Road

English Heritage List entry Number: 1160392

Grade: II

House, now canteen. 1842 by J.L. Pearson. Coursed squared sandstone with chamfered quoins and ashlar plinth and dressings; Welsh slate roof with rendered chimney. 2 storeys, 3 bays. Renewed steps up to central 6-panelled double door in wide architrave. Painted flat stone lintels and projecting stone sills to sashes with glazing bars. Low-pitched hipped roof has chimney on front slope. Isolated location, set back from North Road, to the rear of bus station potential development site. In use as a nursery, general repairs required. Original wall at front needs some repointing and odd stone replacement at entrance near vehicular access way.

The Former Cinema, North Road

The stone fronted former cinema noteworthy prominent frontage; constructed from ashlar stone with attractive string courses, pediments and a central molded archway. There are attractive round arched windows above the recessed frontage and modern entrance doors. Flat roofs directly behind parapet and large slate pitch roof. Building not fully utilised, restaurant on ground floor. Some evidence of damp and water egress, possible roof repairs and rainwater goods replacement required. Building not in full use, empty ground floor and first floor accommodation.

Railway walls leading to Station Approach

Sandstone random stone walls approximately 1.5 to 2 meters high with copings supporting the embankment, running parallel to the pavement on the north side to Station Approach, winding up to the South Platform that link in with the steep stairwell that cuts into the embankment. To the south of the Station adjacent Station Approach the attractive viewing platform is surrounded by high stone walls and an ornate railing. Directly below this area in a well concealed wild area of open space, the station walls loom high above here. Original walls need some repointing and odd stone replacement.

The walls extend to the underpass providing vehicular and pedestrian access to the North Platform. To the rear of the North platform there are stone walls and overhanging trees to Wharton Park. Original walls needs some repointing and odd stone replacement.

St Nicholas cemetery, Gravestones and Stone walls

The ancient parish of St Nicholas comprised of the central portion of the city, St Nicholas had a small graveyard in front of the Medieval church in the Market Place, but there was an additional graveyard close to the south of Claypath, adjacent to the former Chapel of Thomas the Martyr. This has been demolished, yet the approximate location of the churchyard and graves remains where St Nicholas cemetery is today. The site was formalised by the end of the Victorian era scattered with overgrown stone gravestones, enclosed by fine stone walls and a mortuary chapel was built in the centre perched on the steep slope. Within the graveyard a number of forlorn leaning gravestones, poor condition as a result of natural deterioration of the fabric, unchecked growth of encroaching vegetation and some vandalism. Needs a management regime, repair work, vegetation clearance etc.

Random Victorian stone walls with copings along boundaries to St Nicholas cemetery, particularly visible down Providence Row directly in front of the cemetery entrance and to the rear of the Youth Centre. The stone walls continue around the whole of the cemetery, which also includes mature trees around its boundaries. Stone repairs, some replacement stone and repointing required.

The mortuary/chapel St Nicholas cemetery

Chapel of St Nicholas, a simple Victorian Building that was a former morgue. Constructed in coursed sandstone with a steeply pitched natural slate roof. Built in the Victorian Gothic style with fine arched stone surrounds to the solid timber painted doors, arched surrounds to the tripartite windows, but unfortunately the original stained glass has been replaced by infill bricks. Building in poor condition, noted that the roof and stonework requires attention, possible reroofing and selective repointing and the odd stone replacement. Replacement leaded light windows and repairs to original arch door essential, potential theft and security issues.

Quakers Burial Ground, Bellevue Court, Claypath

In Bellevue courtyard to the south, The Quakers meeting house was built at no 80 Claypath in 1679 (sadly this disappeared in the 20th century) and the burial ground instated in 1851. Within Bellevue Bungalow there are grave markers within the western extent of the present site boundary that are not in situ, some rest upon a possible air raid shelter. It is thought that the potential for remains dating to post Medieval and modern periods subsurface is high. A small space of significance historic value. Needs an archaeological evaluation and possible management regime, repair work, vegetation clearance etc. Public access should be a provision on an occasional basis.

No18 Claypath

(presently Oldfield's Restaurant), is a late 19th century building of brick with ashlar dressings and an impressive frontage including Neo-Tudor windows, a polygonal oriel, "DCC" monogram in stained glass and also pierced by a weather vane. Regrettably, the original ground floor has been destroyed by a 20th century shop front but this is of some quality. Good condition, attractive frontage, important contribution to streetscene. Planning Permission recently granted for redevelopment.

No 25 Claypath

Attached to the former Palladium Cinema, three storey Victorian property. Brick, painted frontage, slate roof and brick chimney. Sliding sash, six over six at first and second floor, stone sills and heads. Shopfront, modern fascia and some alteration, shopfront frame /layout likely to be as original, recessed opening. Timber panelled door and fanlight above at the side. Fair condition but rather neglected, various elements require attention for example the paintwork to frontage, windows and doors, defective rainwater goods, tired poor shopfront needs refurbishing. Adds to streetscene, attached to the Palladium. Planning Permission recently granted for redevelopment.

No26 the former Palladium Cinema

The next noteworthy building in this part of the street is No26 the former Palladium Cinema which opened in 1924 but sadly has been vacant for many years. The building has a one bay street frontage of painted ashlar in the Art Deco style, its main feature being the large moulded arch with keystone and carrying a cornice with fasciculae at the ends. Poor/fair state of repair, neglected property, empty for some time. May require some major repairs externally, possible major roof repairs, (need further investigation), repair to Art Deco frontage paintwork to frontage, reinstatement of the entrance, repair and repainting of windows and doors, defective rainwater goods needs refurbishing. Full internal refurbishment required. Adds to the streetscene, positive contribution. Planning Permission recently granted for redevelopment.

No 29 Claypath

Two storey late Victorian/ early 20th century building, brick frontage with parapet and flat roof. Extensive warehouses to the rear. Brick string courses, brick heads and stone sills, chamfered side frontage. Side elevation, visible brick elevation. Rendered at ground floor and painted shopfront, simple shopfront, slender glazing bars and shopframe, extended fascia. Good to fair condition, adds to the character of the streetscene. Planning Permission recently granted for redevelopment.







Appendix 4

Public Comments

Appendix 4 - Summary of Character Assessment Toolkit (CAT) Comments

The Toolkit is essentially a character assessment survey designed to assess the character of spaces, buildings and places, and to identify the features that contribute to the distinctiveness, interest and amenity of the area.

The Toolkit was used successfully from August 2012 until July 2013 by officers from the County Council working closely with local residents to carry out a survey of the whole conservation area. The following is a summary of the comments made during those survey sessions:

Sub Character Area 1: Aykley Heads

Positive Aspects

- Attractive quiet wooded area;
- Attractive open spaces;
- Area has rural feel;
- DLI car park not intrusive;
- Attractive Views, Station Car Park has good views of the Cathedral/from mound;
- Attractive setting to DLI;
- Good access to Station;
- Framwellgate Peth has open aspect sunny attractive entrance into town and park;
- Well-kept verges;
- Off street parking and clearly defined access to St Cuthbert's Church;
- Good efficient lighting;
- Wharton Park is a historic Victorian park, wonderful asset for local people in the Town Centre;
- Outstanding views from battlements of the Cathedral, Castle and Viaduct;
- Variety of spaces and uses within the park, clearly defined;
- Good variety of trees, shrubs and habitats;
- Established seating areas lots of benches;
- Flower beds used to be attractive – informal bulbs and planting;
- Near town centre and good position, open space in close proximity available for residents;
- Next to station, viewing area for trains;
- Play area very popular with children – few other play areas in city centre/county;
- Disabled parking on top;

- Community involvement, over 220 Friends of Wharton Park;
- Active area for walking and improving health – great potential to be improved;
- Upper North Road- attractive green and leafy entrance into the town;
- Stone walls an important feature;
- Boundary walls define edge.

Negative Aspects

- Cigarette butts in seating area;
- Some traffic noise;
- Himalayan Balsam invasive in some areas;
- Pond has a neglected feel;
- Dogs running loose;
- Safety issue old pits;
- Signage to DLI clutter and clutter in station car park, masts, CCTV;
- Condition of road;
- Vehicular access to DLI not easy – speed and surface (not planted);
- Looks like ex-mining area;
- (Framwellgate Peth)-busy road with issues of traffic speed and noise (race track), poor links to the DLI difficult to cross road, traffic corridor to Milburngate Roundabout. Better pedestrian access required across Peth, perhaps Pelican/Bridge;
- Entrance to Wharton Park/Church poorly signed;
- Wharton Park in poor condition, lack of maintenance of Keepers House, paths, flower beds, street furniture (mixture of benches and seats), general neglect;
- Park Keeper House open to young vandals;
- Lack of investment over the last decade, health and safety issues;
- Play equipment tired, needs replacing;
- Poor signage and connectivity;
- Entrance by car poorly signed and in poor condition – not welcoming;
- Parking limited, access steep and steep verges and also near play area, traffic hazard;
- Poor lighting in park;
- (North Road) busy road with cars and buses, noise and fumes close to pedestrians;
- Some litter and gas leaks;
- Toilets at the bottom are very unattractive and uninviting.

General Comments

- Very pleasant area, well used by local people. A valuable local asset;
- Wonderful green and leafy park in the town centre;
- Particularly good location, next to the station, Aykley Heads, DLI and town centre;
- Need to link with DLI and Aykley Heads;
- Historic Victorian park is an important asset;
- Important children's play area, there are very few other areas for play;
- Set on terraces up Windy Hill with sweeping paths;
- Cathedral bus could link Wharton Park with Station/DLI;
- Link in as a learning resource;
- Churchyard has great potential to be a wildlife haven and link to park;
- Churchyard important for residents to visit, area of reflection;
- Great potential to improve, the park is looking tired, very neglected and is badly in need of a makeover.

Suggestions

- Keep it as it is;
- Keep it well maintained;
- Avoid too much public art and instead perhaps introduce temporary open air exhibitions;
- Avoid closing the access road after 7.30 at night, the public need more access in evening before dusk/dark;
- Better coordinated signage of DLI;
- Make more of Cathedral view;
- Improve signage, access and the entrance to the park;
- Improve paths in Churchyard and provide some seating;
- Improve the condition of the paths, steps and ensure that there is connectivity with the town centre and other areas e.g. DLI, Aykley Heads, Flass Vale, North Road, Station;
- Repair the stone boundary walls and walls and battlements within the park;
- Improve and provide more variety of play in the park;
- Provide new catering facilities, meeting room. Provide a Visitor Centre;
- Improve amphitheatre;
- Advertise views of the town, Cathedral and Viaduct, provide info and history boards;

- Trim trees to keep views;
- Improve habitats for more wildlife;
- More events and activities in the Park, little walks, trails/nature spotting;
- Park Keeper required, young apprentices could be trained to help out with maintenance;
- Park maintenance needs to be brought up to Green Flag Standard;
- Clean up and provide better maintenance;
- Improve lighting (in places);
- Limit dogs' keep away from play areas;
- p Clean up litter regularly in park and North Road;
- Improve signage to park from North Road;
- Speed of traffic to road should be explored (speed/signage)

Sub Character Area 2: North Road

Positive Aspects

- The site of the station provides a dramatic entrance to the city;
- Restoration of the station has been carried out with care. Good new extension. Planting good;
- Good quality access routes in area – much improved paths, steps, two bridges leading to station and Highgate;
- Housing in Highgate has improved area/townscape;
- Good quality floorscape/public realm in Highgate;
- Attention paid to detail, bricks, chimneys, window design, railings in Highgate– excellent;
- View point at station attractive and impressive;
- Impressive existing planting and stone walls to railway complex;
- Outstanding views of the Castle, Viaduct, Cathedral and townscape;
- Very attractive views of the Miners Hall, St Godric's, Methodist Church;
- Still retains an air as an important sweeping gateway into town as it descends the hill;
- Good links with the railway station, bus station and town. Close to lots of facilities, walkable;
- Is a vibrant, busy street, buses, taxis and pedestrians bring it to life, bustling;
- There are some very attractive buildings in the street eg. Miners Hall, Methodist Church, House to the rear of Bus Station, Wetherspoons, many Victorian frontages and shops;

- There are several attractive shopfronts/frontages e.g. Parkins, Furniture Store, Wetherspoons, Print shop etc.
- Some of the natural stone paving is very attractive, appropriate to the street, needs better maintenance;
- Some of the street furniture is also attractive, e.g. bollards, bins;
- The lighting is attractive, good quality and elegant;
- Shared traffic and pedestrian space works well on North Road;
- Roundabout provides attractive foreground to Viaduct;
- Traditional attractive stone, stucco and red brick Victorian and Georgian buildings – especially St, Anne's Court and St. Godrics Court;
- Traditional timber sliding sash windows of different styles, especially at St. Anne's Court & St. Godrics Court;
- Magnificent setting of St. Godrics Church set up high on mound and magnificent Gothic Revival Church;
- Fabulous views to Cathedral and Castle and views to townscape and Viaduct;
- High quality floorscape to part of Castle Chare and Tenter Terrace, including cobbles;
- Interesting and varied roofscapes to North Road and wider city, as seen from Tenter Terrace;
- Predominance of Welsh slate and some Lakeland slate for roofs to St. Anne Court, St. Godrics Court, St, Godrics Church & Tenter Terrace;
- Attractive green space, trees and shrubs to A690 and to rear of North Road (gardens of the Courts & the Presbytery) and in front of Tenter Terrace add interest and increase attractiveness of area;
- Tenter Terrace has a very tranquil atmosphere;
- Successful conversions from convent and former school – has successfully preserved exterior character and appearance of buildings.

Negative Aspects

- Station bit scruffy at bus turning area – car park and also at top of approach Southside near bend – poor surfacing, fencing, railing, planting;
- Litter/rubbish in shrubs/over walls at station also issue (from sheer volume of people using station – may be a lack of bins therefore needs to be properly cleaned;
- Noise/traffic fumes in Framwellgate Peth/North Road;
- Pastiche/new homes can be dull to some people;
- Lighting to entrances/pathways to station needs to be reviewed;
- Very large modern buildings, that have paid little respect to the distinctive character of the Victorian frontages and

Medieval street, inappropriate in scale, roofscape, massing. Very poor in terms of design, detailing and materials e.g. bus station, former Argos building, Iceland etc.

- Roofscape poor and visible from the railway of unattractive flat roofs and bus station turning area;
- Despite being revamped fairly recently, the floorscape is in poor condition and looks rather scruffy, broken flags, unstable flags, tarmac replacement of flags, anti-skid surfaces and setts need to be maintained;
- Despite the shop front improvement grant in recent years, the shopfronts need some attention, repair work, repainting etc.
- New signage and some new shopfronts a bit garish and poor, not really suitable for a major route into town centre and conservation area;
- Some of the new windows installed at first floor level need attention;
- Canopies and walkways detract from the streetscene, impact on building line and from providing a lively continuous frontage. Recessed shops, dark and less welcoming;
- Unoccupied shops, charity shops etc. Need more variety and traditional shops i.e. butchers, DIY, bakers, delis, etc.
- Some paving and public realm very poor at bus stops, large red square flags completely unsuitable;
- British telecom boxes in prominent position on footpaths – poor;
- Bins outside of Bus Station are in disgusting condition with cigarette ends all around;
- Traffic noise and fumes from A690;
- Alterations to frontages of Tenter Terrace – uPVC windows and doors, pebble dash and cement render;
- Some graffiti to back of Tenter Terrace;
- Unsightly bins to rear of St. Godric's & some litter by bus stops;
- Shrubs beside A690 seem to collect litter;
- Some cracked and concrete pavements and tarmacadam roads/pavements and modern rubber bollards;
- Some unsightly service yards to rear of North Road;
- Boundary fencing in St Godric's areas and railings in Castle Chare.

General Comments

- Station provides an extraordinary entrance into Durham and important for visitors. Good to see retention of a number of good quality railway buildings structures intact and in good condition;

- A little disjointed with old/new;
- Fairly green area when looking at area in detail;
- Station would benefit by more improvement work near bus turning area – planting/street furniture etc.
- This is a very important street and gateway into the town centre from the residential areas in north part of town, the railway and bus station. At present rather drab, poorly maintained and unwelcoming but has huge potential. Excellent route and linkages to existing uses, transport connections and areas, outstanding outlook to the Castle, Viaduct, Cathedral, street, important group of historic and landmark buildings, attractive floorscape (in part) lighting and street furniture;
- Great opportunities to redevelop the very poor modern 1960's, 1970's and 1990's buildings that jar and provide such a poor and unwelcoming image. Important to provide a good mixture of uses, may be small shops and major hub, supermarket, department store or arts centre;
- Necessary to also look at the floorscape, street furniture and bus station complex. Proper master planning is required to ensure it is all joined up and to ensure a successful robust and sustainable scheme;
- Area of very high quality townscape with the listed buildings of St. Anne's and St. Godrics Court as well as St. Godric's Church. Tenter Terrace is an oasis of calm with little gems of front gardens in the heart of the city;
- Traffic noise from A690 to St. Godrics Church and feeling of being 'cut off' by the main road;
- Fantastic views of Cathedral, Castle, Viaduct and roofscapes of the city.

Suggestions

- Better cleaning of the Station Approach and station – litter and rubbish must be relentless and thorough;
- Lack of taxis at entrance to station – need queuing area;
- Coordinated treatment of railings/fences at the station;
- uPVC windows should ideally be replaced at No 43;
- Review parking arrangement/short stay;
- Attention required to improve bus turning area;
- Maintain the good quality paving appropriately, replace broken flags and reinstate flags that have been replaced by tarmacadam. Maintain the setts in road and anti-skid;
- Improve the paving to the top end of street, replace concrete red flags etc. with Yorkstone and granite sett edging;
- Replace and reinstate walls and railings at top end of street;
- Replace very unattractive modern buildings with good quality distinctive development that pays some reference to the streetscene and townscape. Avoid large areas of flat

roof, break up the scale and massing, avoid heavy canopies, walkways and recessed shop frontages;

- Gates development entrance may need to be redesigned to improve it as a focal point and as a more welcoming frontage;
- Possibly redevelopment and redesign bus station, so it is not so visible from railway above and from roundabout. Entrance needs to be more welcoming;
- Convert the Miners Hall back to a Cinema and Art centre and restore the building;
- Need a greater mixture of smaller shops, restaurants, cafes, bring back life night and day, rates may need to be reduced to avoid empty shop frontages;
- May also need a major hub, i.e. department store, supermarket;
- Café life introduced in Street and outside PH's possibly;
- Resurface Reform Place in attractive natural paving and attract little art shops and cafes;
- Bring back the Cinema and convert the Miners Hall into an Art Centre;
- Have more greenery, more attractive planters, mature trees in grilles, hanging baskets;
- Improve signage to the rest of the town centre;
- Reduce some of the buses, re-route to the roundabout although retain some of them to ensure it is still lively;
- Better maintenance of area on regular basis;
- Replace solid canopies with glazed ones;
- Road and footpath repairs in Tenter Terrace and Castle Chare and use of natural materials would significantly improve the character and appearance of the area;
- Introduce Article 4 direction to Tenter Terrace to prevent loss of any further traditional windows and doors.

Sub Character Area 3: Milburngate/Sidegate/Crook Hall

Positive Aspects

- Outstanding views of the River Wear, the Castle, Cathedral and townscape;
- Very attractive views of The Sands, river banks and countryside - rural feel;
- Attractive riverside frontage, light, airy and open;
- Excellent flat river paths along frontage, good seating area, links with the riverside walks;
- Pennyferry Bridge - high quality simple bridge design, attractive and elegant with good links to The Sands by the Bridge;

- Radisson – good quality contemporary building. Appropriate scale and massing;
- Passport/Tax office in particular - good quality interesting architecture and contemporary design of its time. Good example of 1960s brutalist architecture;
- Good tree and shrub planting scheme outside the Radisson;
- Attractive historic floorscape in Sidegate;
- Excellent tree screen on Framwellgate Peth;
- Crook Hall absolutely delightful grounds and historic house;
- Green and leafy setting of Crook Hall and other buildings in cluster, very informal farmland backdrop, its green belt setting;
- The surrounding farmland and lower very attractive and informal, wildlife habitat, protected by green belt designation;
- Out-of-the-way close-knit community of Diamond Terrace and Sidegate;
- The gardens of Diamond Terrace and to a lesser extent Sidegate;
- Attractive intimate granite sett historic lane to Sidegate;
- Framwellgate Well is an important historic feature, a nice surprise;
- Neat, well laid out car parks;
- Riverside frontage attractive along Frankland Rd, good trees and hedgerow cover;
- Outstanding views of the Cathedral, Castle, and townscape from various points;
- Views of the river through the trees provide interest;
- Flooding is a common occurrence in this area, building set on floodplain;
- Buildings with a variety of uses beyond the Riverside Centre site provide a scruffy and unwelcoming environment.

Negative Aspects

- Some view the complex of buildings as rather overpowering and dominant on the waterside;
- The Gates service yard very dark, dingy and unwelcoming;
- Litter and cigarette ends provide a poor impression on steps and ramp leading to Leazes Bridge and Passport Office entrance;
- Unattractive steps/ramp, dark and damp. Does not feel safe at night – poorly lit;
- Traffic noise and fumes in Framwellgate Peth, roundabout and Leazes Road Bridge;
- Litter along the river and riverbanks;

- Flooding an issue;
- Poor signage;
- Substation unattractive and underdeveloped car park;
- Upper area shabby, semi-derelict storage/industrial/offices/farm buildings;
- Rear of Diamond Terrace wheelie bins problem;
- Poor walls to the rear of Diamond terrace;
- Car parks to Framwellgate House rather scruffy;
- Very busy road, Framwellgate Peth, noisy, fumes and dangerous access;
- The electricity sub-station at the end of Sidegate;
- uPVC in Sidegate Victorian terraces;
- Car park surface near Crook Hall poor in places;
- Public car park may be underused;
- Graffiti on railway buildings.

General Comments

- Attractive flat riverside frontage, light and airy, with an outstanding outlook to the Cathedral, Castle, townscape and to more semi-rural areas - The Sands, and riverbanks;
- Great opportunities to redevelop the Passport/Savings office complex - good location adjacent to town centre, shops, car parks, traffic routes;
- Necessary to also look at The Gates complex and the very poor service entrance and pedestrian access/steps and ramp;
- A magic little area (apart from the shabby upper bit at Framwellgate House),full of surprises, from the historic Well/Pant on Framwellgate Peth, to the former converted cinema there, to historic floorscape and route of Sidegate enclosed by attractive Victorian houses at different levels, leading down to the river, riverbanks and vegetation along there, to Historic Crook Hall, North Barn and Granary and very attractive informal ornamental gardens, to the informal attractive farmland and scrub that looms above on the slopes to the north.

Suggestions

- Improve the pedestrian access into The Gates, passport office lighting, new bins and surfacing;
- Gates development may need to be redesigned at the service bay level and pedestrian entrance;
- Improve signage to waterside and other areas and uses;
- Possibly redevelop the Passport/Savings office site, great opportunities to provide development that may be more sympathetic in massing and scale and that are more distinctive;
- Improve litter clearance on the Peth and along the river;

- Important to improve and consider flooding – i.e. suitable drainage in car parks;
- Redevelop or clear the upper shabby area to Framwellgate House;
- Maximum protection of the green areas, farmland, scrub from development, important to the setting of the city centre, river corridor and Crook Hall, important historic cluster;
- Storyboard about this area, Sidegate and Crook Hall;
- More signage to Crook Hall and Pennyferry Bridge;
- More public footpaths to the farmland;
- Screen substation or relocate;
- Re-surface Diamond Terrace with a more appropriate and attractive material. E.g. York stone flags;
- Protect granite setts up Sidegate;
- Possible Article 4 along Sidegate/Diamond Terrace, to promote more tasteful alterations.

Sub Character Area 4: The Sands/Riverside

Positive Aspects

- The coach/car park is pleasantly laid out with grass and mature trees. New setts laid in the pedestrian routes and attractive bollards, railings street signage and fingerposts are attractive recent addition;
- The coach park and car park are very well screened from The Sands and the river banks. Street trees provide effective and attractive landscaping along Freemans Place;
- It is good that the Cathedral bus runs along Freeman's Place, although it could be given more prominence;
- Excellent views of the river, the weir, Framwellgate Bridge, Crook Hall and St Nicholas Church, The Cathedral and r/o the covered market;
- Wonderful location adjacent the river and near town centre with great opportunities for improving the river side frontage, to embrace the river and provide footpath links;
- Good central location for a short stay car park;
- The swimming pool is a significant contemporary building, award winning design that provides excellent facilities and is well located, it appears popular and well used;
- There is a number of attractive pieces of artwork within this area, the etched glass window at the swimming pool, the attractive coloured railing, and the archway and seating area within the College grounds;
- The 1913's original College buildings are an attractive mix of Edwardian school buildings with pinnacles/towers at the entrance. Good frontage to Providence Row;
- The new arts centre building at the front of the college is an interesting /well designed contemporary building;

- Sixth Form College grounds particularly surprising mix of landscaping/planting and woodland glade to the rear is lovely and has a rural feel. The trees along the boundary to the tennis courts are important in the townscape. Outhouse buildings and art work are of good quality;
- The avenue of trees and vegetation along Freemans Place provides a sense of enclosure, good screening and a green and leafy feel;
- Very attractive views across The Sands looking towards the river and to the town;
- Attractive view of the key focal points of the church steeple to the United Reform Church, Crook Hall and Radisson;
- Very attractive river frontage with wild flowers and grasses;
- The Sands is a wonderful open expanse of common land and open cut grassland;
- The Sands provides free access and open space for local people and the whole of the community, used particularly by dog walkers, residents walking/shortcut, children's informal play and activities such as the circus, funfair, events;
- The cemetery is a very attractive semi wild space, full of mature trees, hedges, shrubs and wildflowers;
- The cemetery is a wildlife haven, full of birds, bats, rabbits, foxes and small mammals;
- The former chapel is a modest pleasant building of architectural worth, a heritage asset, it sits well in the slightly overgrown sloping site;
- The gravestones and the stone walls and piers at the front of the site are attractive and of historic merit.

Negative Aspects

- The demolition on the old mill, mill race and the removal of equipment is disappointing – possibly of historic and archaeological interest. Below ground especially may be of importance;
- Although the ice rink was not very aesthetic, it was an honest, functional building that has become 'part of Durham' – The Durham Wasps played here. This building will be a loss to Durham City;
- Is its replacement likely to be an improvement? Does it embrace the river? Is the scale appropriate? Does it link in with the Walkergate development?;
- Walkergate rear wall is excessive in height and is rather unattractive and unwelcoming;
- The existence of the lift opposite the coach drop off is poorly signed. (There are no signs in Millennium Place). Access to the lift nearer the coach/car park means walking among the cars in the Walkergate multi-storey car park.

Inclusive design is important to maximise the independence of users;

- The riverbanks sometimes suffer from litter and can be unsightly;
- Flooding can be an issue, land within floodplain;
- Milburngate Bridge is rather oppressive, with noise and fumes from traffic. Standing under the bridge it is quite a shady and unwelcoming environment;
- Pathway desire line from the car park through the trees to the sports centre is just a rough track;
- There appears to be no pedestrian access to the school from Providence Row;
- The car park area on the corner is unattractive, scruffy, poor surface, mixture of signs, and boundary treatments especially the board fence;
- There is no pavement from Providence Row along Freemans Place to the sports centre, can be a little dangerous to cross;
- Mixture of Sixth Form College buildings, original attractive 1913 School Building is rather swamped at the front by new buildings, mixture of styles and scale;
- A little open in the central section of the Sixth form College, lots of hard surfacing and grass a little windswept;
- Large service lorries using roads to the rear of Walkergate, conflict with pedestrians;
- The tennis courts don't appear to be used very much, shame they are not accessible to the public;
- The flats at The Sands are a rather plain and unattractive group of buildings, overlarge in scale and poor in massing, poor materials, not particularly distinctive;
- The life buoy along the river has been removed and there is the odd piece of litter along the river bank;
- The car park surfacing is in poor condition, rough aggregate, broken tarmacadam. Uneven to walk on;
- There is a considerable amount of car parking along the frontage to the flats/car park. Slightly detracts from the ambience of the area;
- There is a considerable amount of traffic within this area, especially at the junction. Very busy with cars and coaches heading from and to the car parks and coach park;
- There is bit of vandalism at the chapel, odd bit of graffiti and door lock has been damaged;
- The cemetery is a little too wild in places and may be a little unwelcoming especially at night but this is good for wildlife.

General Comments

- Attractive flat riverside frontage, light and airy, with an outstanding outlook. This is an interesting riverside site which would seem to be underused, the existing ice rink does not embrace the river. The car and coach park, sit quietly, but do not make the most of this attractive setting. Pedestrian routes along the river banks are limited and there are great opportunities to improve linkages with other footpath routes, creating circular walks for visitors, tourists and residents. Pennyferry Bridge is a particularly attractive piece of engineering/architecture and a focal point which provides a fabulous link with the north side of the river;
- The first experience of Durham for many tourists is disembarking their coach. Many visitors are elderly and are greeted by the daunting sight of steep steps up to Millennium Place, and probably don't spot the discreet notice about the lift. The area is also drab. The car and coach park area well designed and extremely well landscaped within and around the site, a good example of best practice;
- This is an important central block of public facilities in the heart of the city centre well connected by footpaths/car parks and close to bus routes and car parks. The new Swimming Pool/Sports Centre is a well thought out and designed piece of architecture that includes a strong sculptural element at the front with impressive etched glass window and pleasing curving railing boundary. A wonderful facility for all members of the public. The Sixth Form College grounds provide an attractive setting for the Pool and the mix of College buildings. There are a fine group of trees to the rear that form a particularly impressive backdrop and skyline effect. The trees around the Tennis courts are also important and along Freemans Place. The College buildings is an eclectic mix of buildings, sadly the attractive original 1913 impressive frontage has been swamped by new additions;
- The car park on the corner although sits quietly is an unattractive space, cluttered with signs, barriers and different fencing. There are good development opportunities to provide an attractive corner building that fronts onto The Sands and has commanding views of the river;
- The Sands is a very attractive unique area of open space, consisting of well-maintained mowed grassland adjacent to the banks of the river Wear. The common land is managed by the Freemen to the City of Durham and is used at present for informal activities such as dog walking, access to the river and informal play. The Freemen grant permission for more organised activities such as funfairs, circuses and educational events. The river frontage to the River Wear is particularly attractive with the wildflowers and grasses and open views. Views down the river, across the river to Crook Hall and across The Sands in all

directions are superb. St Nicholas cemetery is a charming semi wild graveyard which surprises and delights with the former morgue/chapel perched half way up the slope, it has a fairly eerie appearance and is dark and a little unwelcoming but is generally good for wildlife;

- The Sands flat development and the uneven surfaced car park at the front slightly lets the area down but fortunately this is a small part of a vast expanse.

Suggestions

- A riverside walk and linked open spaces from the coach/car park to join the existing path just upstream of Framwellgate Bridge and towards The Sands should be part of the new development;
- The replacement to the ice rink, should embrace the river, be appropriate in scale, and link in with the Walkergate development;
- A more prominent sign indicating the lift is needed within the Walkergate Development;
- Seating required along river frontage facing west for evening light;
- Information boards on the history of the site linked with circular walks;
- There is what appears to be a generator, presumably driven from the mill race, visible on the mill site – could it, or a modern one, not be used to generate electricity?;
- Car spaces should be removed to improve accessibility and visibility of Pennyferry bridge;
- The tennis courts could be opened to the general public out of school hours. There could be a putting green in part of the grounds. Both could be managed from the swimming pool;
- Open the gate to provide pedestrian access to the school from Providence Row;
- There are good development opportunities of the car park site to provide an attractive corner building that fronts onto The Sands and has commanding views of the river;
- More planting within the Sixth Form College site a) to screen back of the Sports Centre and b) to reduce the impact of the windswept frontage to the Sixth Form College;
- Removal if possible of the 1960's addition next to the main building School frontage, open up the original 1913 attractive entrance;
- Create a raised pathway between the car park and Swimming Pool following the desire line;
- Green space in front of the Sports Centre should ideally be open to the public, picnic areas etc.
- Resurface the car park at the front with a tarmac with an aggregate mix;

- Replace the lifebuoy near the river frontage, coach park end;
- An additional bin may help along river frontage especially with fishermen;
- Grow climbers at the flat development or better screening at the frontage;
- Keep on top of any vandalism to the chapel to discourage further problems;
- Odd appropriate light within the cemetery may help to make the place seem less eerie.

Sub Character Area 5: Claypath

Positive Aspects

- The topography of the area, very hilly with Claypath on a ridge adds to the townscape, providing an interesting curving and sloping streetscape;
- There are excellent views of the townscape; roofscape, church spires, Crook Hall and Viaduct;
- Claypath is an attractive street of Georgian, Victorian cottages and houses, providing a charming and interesting streetscene;
- Simple modest Victorian terraced houses in Wanless Terrace and Finney Terrace provides attractive industrial history of 19th century Durham;
- This is a residential area and provides a 'Living Lung' to the city centre where local people live, shop, work and spend their time;
- Modern architecture in Finney Court works well and fits in with the urban grain, maybe less successful at Providence Row due to height/scale on top embankment;
- Interesting back yards and vennels within Claypath, great opportunities;
- The Copper Beech and the rear gardens to Finney Terrace are delightful, add to the streetscene. Modest gardens to artisan houses;
- Providence House dates back to 1810 and is a lovely Georgian property with impressive garden;
- The Gala Theatre has a uniformed, coherent, dramatic design. Its dramatic front façade and entrance is very pleasing;
- The Library Building is synonymous with a solid city wall from some elevations and has an attractive simplicity;
- Some good quality contemporary design to mark the Millennium;
- Millennium Place and Walkergate are located on strong desire lines and routes from the car park, coach park, riverside, sports centre and hotel, this provides good links to Claypath and the Market Place, but could be strengthened;

- Some good mixed uses between complexes, theatre, library, offices, apartments, bars and restaurants;
- The Library, Theatre and Cinema provide excellent facilities;
- Good views of the river and townscape are available, but need to be exploited;
- The re-opening of the United Reformed Church as a church/community facility is good;
- The Premier Inn seems popular and a key focal point even though some guests have disturbed night sleeps, due to noise from Walkergate;
- Claypath is one of the oldest routes into the city, with some fascinating historic buildings;
- The new bus shelter on Claypath provides seats and is a good facility;
- Cycle stand facilities within Millennium Place and slip road are fairly well used;
- Good signage with finger points, map and information boards;
- Very attractive and varied topography with hidden snickets leading to the bottom of Hillcrest and Wear View;
- Kepier Terrace, north and south, are attractive Victorian rendered and stone terrace houses of townscape merit. Old brick walls of some historic merit and townscape value;
- The area is very convenient for the City and is popular with residents;
- The area feels safe and friendly area (apart from the semi derelict site of Kepier Court;
- Some desirable residential properties for families;
- Many of the houses have splendid views across the River Wear valley towards Aykley Heads, the Viaduct, the Station;
- Potentially a delightful green, important open space and green lung;
- Good pathways and route linkages through the site to other areas;
- Outstanding views in the streetscape down and up Claypath, especially towards the Market Place and St Nicholas Church. Superb elevated townscape views on the ridge overlooking the town, Castle, Cathedral, although most are from private property;
- Very attractive Georgian style street in Leazes Place, original frontages have elegance and are quite uplifting. Architectural details, railings, river cobbles left intact;

- The curving townscape in Claypath with the tall three storey buildings and strong building line is an attractive entrance and route into the Market Place;
- Some of the shop fronts in Claypath are quite attractive and understated;
- The floorscape surfacing in Claypath, Leazes Place, Moody's Yard consist of natural materials, Yorkstone flags, river cobbles, stone kerbs and granite setts. Historic floorscape of some importance that adds to the overall character;
- The roofs of the variety of buildings in Claypath and yards behind provides interesting mixed roofscape of different height buildings, materials and chimneys, the topography adds to this;
- The backyards, courts, cul-de-sacs are historic spaces of some significance and add to the overall townscape and urban grain;
- Tinkler's Lane to the rear boundary of the area is an intimate attractive historic route, the floorscape is particularly noteworthy;
- Trees within and on the edge of Leazes House are quite delightful and enclose Leazes Court at the entrance and provide a fine boundary to Leazes Road;
- Leazes Court development is quite surprising and somehow fits into the townscape, the layout, in a terrace, the proximity of the garage courts and the surfacing add to the experience;
- Very interesting topography throughout;
- Significant historical route into the city, Medieval route to Claypath entrance;
- Buildings of historic value, for example Quaker meeting room and graveyard, Library, Blue Coat School;

Negative Aspects

- Good Years Yard in Claypath is poorly maintained and in bad condition;
- Claypath has a considerable amount of traffic, cars speed especially at night, difficult to cross, possibly it should be one way;
- Takes time to cross at busy junction for pedestrians;
- Too many properties occupied by students;
- uPVC, modern casement windows and doors are increasingly common, encroaching on areas original character;
- Road and pavement surfacing needs attention in Wanless Terrace;
- Ruth First House, fascia boards and advertisements a little excessive;
- Bins and rubbish in Wanless Terrace are an eyesore;

- Limited cycle routes within the area;
- Coaches and lorries having an impact on the historic properties in Claypath from vibrations;
- Millennium Place is unwelcoming- it is a draughty, barren, colourless area, somewhere you would pass through quickly. Lacks activity within the square;
- Unimaginative floorscape, street furniture and public realm are poor;
- It has an attractive, high quality, library and theatre, but inactive frontages deaden the environment. At weekends the square still manages to feel like an area devoted to drinking and nightlife rather than culture;
- A great deal of chewing gum on the pavement;
- The Millennium Place notice board is never up to date;
- Broken flags have been replaced by tarmac, looks poor;
- No tourist information office (recently closed), it was a very popular and key focal point;
- Walkergate is of the same contemporary design and is successful to a point, but some of the spaces around are poorly located, underused and wasted;
- Changes in levels add interest, but can be a hazard for pedestrians;
- Too many unimaginative chain outlets/ bars and restaurants congregated together, dead during day but rowdy at night;
- Premier Inn guests and apartment owners are frequently disturbed by noise from Millennium Place bars;
- Traffic and taxis in slip road and Claypath at weekend evenings can be quite dangerous;
- Walkergate paving has an anywhere environment feel;
- Buildings and west wall ends abruptly – large wall not integrated well into the town or stepped down. Views of river not exploited, although ice rink is partly in the way;
- Difficulty to spot lifts, not well signposted;
- Claypath was once a thriving area with individual shops. It was cut off from the city by the through road in the 1960s; this and the creation of The Gates Shopping Centre and High Street shopping centre along with draconian parking restrictions have forced them out of business;
- The unoccupied shops, cinema and offices, along with the extensively patched footpath give Claypath an uncared for appearance;
- Traffic and taxis at weekend evenings is a hazard;
- Dilapidated buildings e.g. theatre and cinema, are in a poor state and provide a poor image. In need of restoration;

- Kepier Court is an unattractive group of incongruous buildings, very poor in the townscape. The Court was once a thriving multi-cultural community of post graduate students and their families before the site was sold and allowed to deteriorate;
- Boarded up site looks uninviting and unwelcoming, a blot in the streetscene;
- Squatters are possibly living in Kepier Court, possibility of it being vandalised;
- The style of the new L-shaped contemporary house, No 3 Wear View does not fit with the rest of the area, neither does it pick up any distinctive features, materials etc. in the local context;
- Rear elevation and space to the r/o The Chains is large, oppressive in scale and design and very open. No boundary treatment to soft the sheer size and plain elevation;
- Garage courts in Bakehouse Lane a little unattractive in the streetscene;
- The open space and play equipment is a little plain and utilitarian;
- Terrace and older housing has sometimes a mix of poor extensions and a window and door alteration, UPVC has been introduced;
- Pavements a mixture of tarmacadam and concrete flags, mixed;
- Traffic noise and fumes in Claypath, especially at the busy T junction with Providence Row;
- Taxis in Claypath at the weekends in the evening, queues and noise and speed;
- Drunken revellers at weekend walking down Claypath, noise /litter etc.
- Condition of some of the properties in Claypath, needing repainting, repairs, new fascias;
- Some of the backland new development is poor quality and not locally distinctive e.g. Blue Coat, Bellevue Court;
- Surfacing of some of the yards i.e. Blue Coat Court, consists of large areas of tarmac, not locally distinctive or particularly attractive;
- New development/housing fronting No 75-79 Claypath not particularly high quality or attractive brick/detail, lost opportunity;
- Student accommodation proliferating in, noise and disturbance;
- Loss of some key features in some of the properties, fragmenting the townscape;
- Poor signage is poor to city centre;
- Moody'sYard has unattractive bins and poor surfacing;

- View of the opposite side of Claypath lets down the streetscene e.g. Kwik-Fit and the Snooker Club.

General Comments

- This is a very historic route into Durham City with interesting Georgian/Victorian buildings and historic references that are sadly lost on visitors. Claypath is a delightful curving street that slopes fairly steeply down to the Market Place;
- It is a vibrant, lively and bustling place, although parked cars and traffic do impact on noise and fumes levels;
- Providence Row is an interesting varied street that winds steeply and has a number of surprises, mainly The Sands, cemetery at the end.
- The attractive Sixth Form College former school buildings and the elevated apartments of Finney Court noted;
- Wanless Terrace provides tight, uniform Victorian housing, quite intimate and inviting, while Finney Terrace provides interesting modern architecture, a key tree (Copper Beech) in the townscape and some delightful rear gardens;
- Views throughout are interesting of streetscape, roofscape and town/country beyond;
- Despite the quality of some of the buildings, this is a very significant centre in Durham and does not provide the best impression or atmosphere for visitors arriving by coach or car who have come to see a historic cathedral city. The combination of a sterile day time development Walkergate and the bleak environment of Millennium Place is not welcoming;
- The night time economy attracts hoards of drinkers/revellers generated in Walkergate leaking into Millennium Place and Claypath, with lines of taxis and excessive noise is quite intimidating for visitors, families visiting the theatre, staying in Durham. It is also difficult for residents to cope with disturbed sleep;
- Claypath is a vibrant street despite some of the uncared for and dilapidated buildings. There are great opportunities here for restoration or redevelopment with appropriate schemes of mixed uses;
- This is a very pleasant residential area, near to the city centre with particularly interesting topography and superb views out across the town to the countryside beyond. The residential area has a quiet, safe feel and the variation in housing provides a mixed community with family detached homes, terrace cottages and bungalows. The area is ideal for residents, but there is a slow encroachment of student rentals into the area. It is important that every effort should be made to protect this area from more buys to lets. The mixture of buildings within the area provides at times a rather eclectic, confusing and disorderly townscape/streetscene, due to the different house types, deigns, style and scale of architecture. Bakehouse Lane is a good example of this, as

the incongruous back to 'The Chains' is located opposite the attractive frontage of Kepier Heights and the garage blocks opposite Kepier Terrace. It is important in the future that attention is paid to the local context, urban grain and principles of urban design and conservation;

- This is a very historic route into Durham City with interesting Georgian/Victorian buildings and historic references that are sadly lost on visitors. Claypath is a delightful curving street that slopes fairly steeply down to the Market Place. It is a vibrant, lively and bustling place, with many interesting and varied commercial premises. Sadly parked cars and traffic do impact on the experience, noise and fumes levels are high especially at the busy T junction. The rear yards, courtyards and vennels off Claypath provide an interesting varied townscape providing a number of surprises, intimate courtyards, delightful elevated gardens, landmark chapels and the Quakers burial ground, a rich tapestry of historic assets. Leazes Place provides an attractive elegant street with uniform Georgian housing, frontages, railings, quite intimate and inviting, while Leazes Court provides interesting modern architecture, with key trees overhanging the street and some attractive rear and front gardens. Views throughout are interesting of streetscape, elevated views of the roofscape, castle, cathedral and town/country beyond. In recent years the proliferation of student accommodation has threatened the character of the area. Current concerns are that the views of local residents will become marginalized and their opinions undermined by the demands of landlords. Local residents view their role as guardians for the area, ensuring the area continues to be a vibrant 'living' part of the city.

Suggestions

- Improve Good Years Yard, surfacing, improvements to the fabric, fenestration, small extension at rear;
- Explore opportunities of introducing cycle paths and a one way system;
- Improve the surfacing of roads and pavements in Wanless Terrace;
- Reduce or remove the advertisements/commercial signage to Ruth First House;
- Article 4 Direction on some of the streets to protect the townscape/features i.e. original doors and windows;
- Control and collect bins/rubbish at the end of term, more collections;
- Best kept street award, encourage landlords. Plaque/mural more prominent on the Ruth First House;
- Extend the time for the green man at the pedestrian crossing;
- Provide leaflet illustrating walking routes within this area etc.

- Some greenery /shrubs/flowers in Millennium Place and Walkergate. Ivy or alternative climbers could be used on rear walls especially large walls to Freemans Place, to soften the environment and introduce colour;
- The primary importance of this site is to provide a good first impression for visitors;
- More active frontages onto Millennium Place, not just offices and workspace to let, mixed vibrant uses;
- Very important introduce either trees or a building to reduce the wind in Millennium Place, currently windswept and inhospitable;
- Leak out uses into space i.e. more cafés, restaurants and a flower kiosk;
- Please return the tourist information centre to this site, this is an important service and stimulates the tourist economy;
- Need to lower rents to encourage more independent businesses etc.
- Provide more colour and vibrancy, e.g. good quality coloured umbrellas and awnings;
- Possible fountain or focal point;
- Design brief on public realm and paving, remove bland and excessive areas of harvest coloured Tegula;
- Clean up the chewing gum;
- Ensure Millennium Place (Gala Theatre) notices are up to date;
- Make the existence of lifts from Walkergate to Millennium Place more obvious;
- More controls on opening hours on bars and night clubs;
- Relay the footpaths on Claypath;
- Restore the old cinema in Claypath, perhaps two or more screens – it would create more cinema seats than the ones in the Gala cinemas;
- Redevelop poor 1960's building MOT garage, provide mixed uses and develop poor unattractive back Service Yards;
- Permit short stay parking (free disc parking) on south side Claypath and business rate holiday and or reduced rent to encourage businesses back to Claypath;
- Lighting could be improved, currently very poor at night and does no favours for the space;
- To create more vibrancy in Millennium Place invite contemporary art sculptures to exhibit;
- Re-join Claypath to Market Place by building premises on the bridge;
- Create a second way out from Walkergate by making road from car park to Milburngate Bridge two- way – would

involve re-engineering junction onto bridge and probably traffic lights;

- Kepier Court site should be developed with family housing – not large and high blocks of apartments;
- The owners of Kepier Court should be encouraged to evict the squatters. Important that is locally distinctive, follows the urban grain and embraces the topography and retains the mature trees;
- There is not a great deal of student housing in the area, and steps could be taken to prevent any increase;
- Explore opportunities to improve the open green space and children's play area;
- Explore landscape planting scheme to the rear of Bakehouse Lane, alleviating the intrusive view;
- Introduce an improvement scheme for pavements in this area;
- Improve Blue Coat and Bellevue Yard, surfacing, improvements to the fabric, fenestration, Break up the large areas of tarmacadam;
- Improve the surfacing of car park in Moody's Yard, but keep granite setts;
- Remove some graffiti on the walls to Tinkler's Lane;
- Explore opportunities of introducing cycle paths and a one way system;
- Extend the time for the green man at the pedestrian crossing;
- Control and collect bins/rubbish at the end of term, more collections;
- Best kept street award, encourage landlords;
- Reduce or remove the some inappropriate fascias and commercial signage to some of the properties in Claypath;
- Any new development in important back yards or on Claypath in future should ideally have a design brief or deign code to ensure they are more distinctive;
- Provide leaflet illustrating walking routes within this area etc.
- Investigate high rents mitigating against local traders;
- Reduce coaches in this area, relocate coach park;
- Highlight historic association with the Medieval route to the city and the Quaker graveyard, encourage landlords to take notice of historic setting.

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CONSERVATION PRINCIPLES

POLICIES AND GUIDANCE

FOR THE SUSTAINABLE MANAGEMENT OF THE HISTORIC ENVIRONMENT



ENGLISH HERITAGE

FOREWORD

The sustainable management of the historic environment depends on sound principles, clear policies and guidance based on those principles, and the quality of decisions that stem from their consistent application. We need a clear, over-arching philosophical framework of what conservation means at the beginning of the 21st century; and to distil current good practice in casework, given the impending reform of legislation and the need for more integrated practice.

These *Principles, Policies and Guidance* for the sustainable management of the historic environment have been developed through extensive debate and consultation, both within English Heritage and with colleagues in the historic environment sector and beyond. Our main purpose in producing the *Principles, Policies and Guidance* is to strengthen the credibility and consistency of decisions taken and advice given by English Heritage staff, improving our accountability by setting out the framework within which we will make judgements on casework. Our success will also be measured by the extent to which this document is taken up more widely in the sector.

Over time, and in conjunction with legislative reform and improving capacity in the sector, we hope that the document will help to create a progressive framework for managing change in the historic environment that is clear in purpose and sustainable in its application – constructive conservation.



Lord Bruce-Lockhart

Chairman
English Heritage
April 2008

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OVERVIEW

Using this document

1 English Heritage sets out in this document a logical approach to making decisions and offering guidance about all aspects of England's historic environment. This will help us to ensure consistency in carrying out our role as the Government's statutory advisor on the historic environment.

2 As the **Introduction** (pages 13-16) explains, we have avoided using the terminology of current heritage designations. Instead, we have adopted the term 'place' for any part of the historic environment that can be perceived as having a distinct identity.

3 The **Conservation Principles** (pages 19-24) provide a comprehensive framework for the sustainable management of the historic environment, under six headlines:

Principle 1: The historic environment is a shared resource
Principle 2: Everyone should be able to participate in sustaining the historic environment
Principle 3: Understanding the significance of places is vital
Principle 4: Significant places should be managed to sustain their values
Principle 5: Decisions about change must be reasonable, transparent and consistent
Principle 6: Documenting and learning from decisions is essential

4 We define *conservation* (under Principle 4.2) as the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.

5 **Understanding the values** (pages 27-32) describes a range of *heritage values*, arranged in four groups, which may be attached to places. These are:

- Evidential value: the potential of a place to yield evidence about past human activity.
- Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present – it tends to be illustrative or associative.
- Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.
- Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

6 **Assessing heritage significance** (pages 35-40) sets out a process for *assessing the heritage significance* of a place:
- Understand the fabric and evolution of the place
- Identify who values the place, and why they do so
- Relate identified heritage values to the fabric of the place
- Consider the relative importance of those identified values
- Consider the contribution of associated objects and collections
- Consider the contribution made by setting and context
- Compare the place with other places sharing similar values
- Articulate the significance of the place.

7 **Managing change to significant places** (pages 43-48) explains how to apply the *Principles* in **making decisions** about change to significant places by:
- Establishing whether there is sufficient information to understand the impacts of potential change
- Considering the effects on authenticity and integrity
- Taking account of sustainability
- Considering the potential reversibility of changes
- Comparing options and making the decision
- Applying mitigation
- Monitoring and evaluating outcomes.

8 **English Heritage Conservation Policies and Guidance** (pages 51-63), a series of *Policies* specific to some common kinds of action, followed by associated *Guidance* on their interpretation. While some of these policies have a close relationship to particular principles, it is important that they are interpreted in the context of the *Principles* as a whole. These policies, which English Heritage will follow, are that:

9 The conservation of significant places is founded on **appropriate routine management and maintenance**.

10 **Periodic renewal** of elements of a significant place, intended or inherent in the design, is normally desirable unless any harm caused to heritage values would not be recovered over time.

11 **Repair** necessary to sustain the heritage values of a significant place is normally desirable if:

a. there is sufficient information comprehensively to understand the impact of the proposals on the significance of the place; and
b. the long term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future; and
c. the proposals are designed to avoid or minimise harm, if actions necessary to sustain particular heritage values tend to conflict.

12 Intervention in significant places primarily to increase knowledge of the past involving material loss of evidential values, should normally be acceptable if:

a. preservation *in situ* is not reasonably practicable; or
b. it is demonstrated that the potential increase in knowledge
   - cannot be achieved using non-destructive techniques; and
   - is unlikely to be achieved at another place whose destruction is inevitable; and
   - is predicted decisively to outweigh the loss of the primary resource.

This policy most commonly applies to research excavation.

13 Restoration to a significant place should normally be acceptable if:

a. the heritage values of the elements that would be restored decisively outweigh the values of those that would be lost;
b. the work proposed is justified by compelling evidence of the evolution of the place, and is executed in accordance with that evidence;
c. the form in which the place currently exists is not the result of an historically-significant event;
d. the work proposed respects previous forms of the place;
e. the maintenance implications of the proposed restoration are considered to be sustainable;

14 New work or alteration to a significant place should normally be acceptable if:

a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place;
b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed;
c. the proposals aspire to a quality of design and execution which may be valued now and in the future;
d. the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future.

15 Changes which would **harm the heritage values of a significant place** should be unacceptable unless:

a. the changes are demonstrably necessary either to make the place sustainable, or to meet an overriding public policy objective or need;
b. there is no reasonably practicable alternative means of doing so without harm;
c. that harm has been reduced to the minimum consistent with achieving the objective;
d. it has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the place, considering:
   - its comparative significance,
   - the impact on that significance, and
   - the benefits to the place itself and/or the wider community or society as a whole.

16 **Enabling development** to secure the future of a significant place should be unacceptable unless:

a. it will not materially harm the heritage values of the place or its setting
b. it avoids detrimental fragmentation of management of the place;
c. it will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose;
d. it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
e. sufficient subsidy is not available from any other source;
f. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
g. the public benefit of securing the future of the heritage asset through such enabling development decisively outweighs the disbenefits of breaching other public policies.

17 We conclude with a general statement about **Applying the *Principles*** (page 67), acknowledging that the cultural and natural heritage values of significant places, including those reflected in landscape designations, should be managed in parallel, fostering close working relationships between cultural and natural heritage interests. Finally, we provide a set of key **Definitions** (pages 71-72).

INTRODUCTION

Aims

18 The historic environment is central to England's cultural heritage and sense of identity, and hence a resource that should be sustained for the benefit of present and future generations. English Heritage's aim in this document is to set out a logical approach to making decisions and offering guidance about all aspects of the historic environment, and for reconciling its protection with the economic and social needs and aspirations of the people who live in it.

19 The *Conservation Principles, Policies and Guidance* are primarily intended to help us to ensure consistency of approach in carrying out our role as the Government's statutory advisor on the historic environment in England. Specifically, they make a contribution to addressing the challenges of modernising heritage protection by proposing an integrated approach to making decisions, based on a common process. The *Principles* look forward to the consolidated framework of heritage protection proposed in the White Paper *Heritage Protection for the 21st Century* (March 2007), but their application is not dependent upon it.

20 The *Principles* will inform English Heritage's approach to the management of the historic environment as a whole, including the community engagement, learning and access issues addressed under Principle 2. The *Policies and Guidance* will specifically guide our staff in applying the *Principles* to English Heritage's role in the development process, and in managing the historic sites in our care. We hope, of course, that, like all our guidance, the *Principles* will also be read and used by local authorities, property owners, developers, and their advisers. In due course, the *Principles, Policies and Guidance* will be supported by further, more detailed guidance about particular types of proposal or place, and current English Heritage guidance will make specific reference to them as it is updated.

Terms and concepts

21 The practice of recognising, formally protecting and conserving particular aspects of the historic environment has developed along parallel paths, trodden by different professional disciplines. The lack of a common, 'high level' terminology has been a barrier to articulating common principles, and using them to develop a more integrated approach. We have therefore deliberately avoided the specialised terminology of current law and public policy relating to heritage designations, such as 'listed building' and 'scheduled monument'. We use the word 'place' as a proxy for any part of the historic environment, including under the ground or sea, that people (not least practitioners) perceive as having a distinct identity, although recognising that there is no ideal term to cover everything from a shipwreck to a landscape.

22 The term 'place' goes beyond physical form, to involve all the characteristics that can contribute to a 'sense of place'. It embraces the idea that places, of any size from a bollard to a building, an historic area, a town, or a region, need to be understood and managed at different levels for different purposes; and that a particular geographical location can form part of several overlapping 'places' defined by different characteristics. Similarly, we have stretched the concept of 'fabric', commonly used to describe the material from which a building is constructed, to include all the material substance of places, including geology, archaeological deposits, structures and buildings, and the flora growing in and upon them. 'Designation' embraces any formal recognition of heritage value, including registration, listing, scheduling and inscription.

23 Our approach anticipates the proposed consolidation of national cultural heritage protection and, more importantly, avoids the suggestion that the *Principles* are concerned only with places that meet the particular thresholds of significance necessary for formal international, national or local designation. Beyond heritage designations, in the wider framework of environmental management and spatial planning, an understanding of the heritage values a place may have for its owners, the local community and wider communities of interest should be seen as the basis for making sound decisions about its future.

24 Sustainable management of a place begins with understanding and defining how, why, and to what extent it has cultural and natural heritage values: in sum, its significance. Communicating that significance to everyone concerned with a place, particularly those whose actions may affect it, is then essential if all are to act in awareness of its heritage values. Only through understanding the significance of a place is it possible to assess how the qualities that people value are vulnerable to harm or loss. That understanding should then provide the basis for developing and implementing management strategies (including maintenance, cyclical renewal and repair) that will best sustain the heritage values of the place in its setting. Every conservation decision should be based on an understanding of its likely impact on the significance of the fabric and other aspects of the place concerned.

25 Our definition of conservation includes the objective of sustaining heritage values. In managing significant places, 'to preserve', even accepting its established legal definition of 'to do no harm', is only one aspect of what is needed to sustain heritage values. The concept of conservation area designation, with its requirement 'to preserve or enhance', also recognises the potential for beneficial change to significant places, to reveal and reinforce value. 'To sustain' embraces both preservation and enhancement to the extent that the values of a place allow. Considered change offers the potential to enhance and add value to places, as well as generating the need to protect their established heritage values. It is the means by which each generation aspires to enrich the historic environment.

Relationship to other policy documents

26 Planning Policy Statement 1 *Delivering Sustainable Development* (2005) includes the explicit objective of 'protecting and enhancing the natural and historic environment'.[1] In these *Principles, Policies and Guidance*, we provide detailed guidance on sustaining the historic environment within the framework of established government policy. In particular, the document distils from Planning Policy Guidance note (PPG) 15 *Planning and the Historic Environment* (1994) and PPG16 *Archaeology and Planning* (1990) those general principles which are applicable to the historic environment as a whole. It also provides a structure within which other current English Heritage policy and guidance should be applied. The *Policies and Guidance* will be updated to refer to and reflect new heritage legislation and government policy as they emerge, and in the light of experience in use.

27 At the international level,[2] the *Principles* reflect many of the presumptions of the *World Heritage Convention*, with its call to give all natural and cultural heritage a function in the life of communities. The *Principles* are consistent with the *Granada Convention* on the protection of the architectural heritage, and the *Valletta Convention* on the protection of the archaeological heritage, both ratified by the United Kingdom. The *European Landscape Convention*, also ratified by the United Kingdom, has been influential, not least for its definition of a landscape as 'an area, as perceived by people…', and its references to the need to consider sustaining cultural values in managing all landscapes, as well as the importance of public engagement in that process.

[1] See paragraphs 5, 17-18

[2] *Convention concerning the Protection of the World Cultural and Natural Heritage* (UNESCO, 1972)
Convention for the Protection of the Architectural Heritage of Europe (Granada: Council of Europe, 1985, ETS 121)
European convention on the Protection of the Archaeological Heritage (Valletta: Council of Europe, 1992, ETS 143)
European Landscape Convention (Florence: Council of Europe, 2000, ETS 176)

Correlation with current and proposed legislation

28 The White Paper *Heritage Protection for the 21st Century* (March 2007) proposed a single national *Register of historic buildings and sites of special architectural, historic or archaeological interest*, which will include all those places currently on the statutory list of buildings of special architectural or historic interest and the schedule of monuments, the non-statutory registers of historic parks and gardens and of battlefields, and World Heritage Sites (although the latter are designated internationally). 'Historic asset' is the proposed shorthand for registered places, although marine 'historic assets' will remain outside this system. Conservation areas will continue to be designated at local level, alongside non-statutory local designations, and much of the archaeological resource will continue to be managed by policy, rather than designation.

29 In the proposed new national system of cultural heritage protection, 'reasons for designation' will set out why each 'historic asset' is above the threshold for designation for its 'architectural, historic or archaeological interest'. Grounds for designation will necessarily be confined to specific values under these headings, directly related to published selection criteria. The statutory basis of designation will, however, be sufficiently broad to embrace the range of values which the *Principles* identify as desirable to take into account in the management of significant places.

Equalities impact assessment
Public bodies are legally required to ensure that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation. It is the responsibility of those public bodies for whom we provide advice to ensure that that they have conducted any relevant Equalities Impact Assessment that may be required when implementing the advice of English Heritage.

CONSERVATION PRINCIPLES

1 The historic environment is a shared resource

1.1 Our environment contains a unique and dynamic record of human activity. It has been shaped by people responding to the surroundings they inherit, and embodies the aspirations, skills and investment of successive generations.

1.2 People value this historic environment as part of their cultural and natural heritage. It reflects the knowledge, beliefs and traditions of diverse communities. It gives distinctiveness, meaning and quality to the places in which we live, providing a sense of continuity and a source of identity. It is a social and economic asset and a resource for learning and enjoyment.

1.3 Each generation should therefore shape and sustain the historic environment in ways that allow people to use, enjoy and benefit from it, without compromising the ability of future generations to do the same.

1.4 Heritage values represent a public interest in places, regardless of ownership. The use of law, public policy and public investment is justified to protect that public interest.

1.5 Advice and assistance should be available from public sources to help owners sustain the heritage in their stewardship.

2 Everyone should be able to participate in sustaining the historic environment

2.1 Everyone should have the opportunity to contribute his or her knowledge of the value of places, and to participate in decisions about their future, by means that are accessible, inclusive and informed.

2.2 Learning is central to sustaining the historic environment. It raises people's awareness and understanding of their heritage, including the varied ways in which its values are perceived by different generations and communities. It encourages informed and active participation in caring for the historic environment.

2.3 Experts should use their knowledge and skills to encourage and enable others to learn about, value and care for the historic environment. They play a crucial role in discerning, communicating and sustaining the established values of places, and in helping people to refine and articulate the values they attach to places.

2.4 It is essential to develop, maintain and pass on the specialist knowledge and skills necessary to sustain the historic environment.

3 Understanding the significance of places is vital

3.1 Any fixed part of the historic environment with a distinctive identity perceived by people can be considered a place.

3.2 The significance of a place embraces all the diverse cultural and natural heritage values that people associate with it, or which prompt them to respond to it. These values tend to grow in strength and complexity over time, as understanding deepens and people's perceptions of a place evolve.

3.3 In order to identify the significance of a place, it is necessary first to understand its fabric, and how and why it has changed over time; and then to consider:

- who values the place, and why they do so
- how those values relate to its fabric
- their relative importance
- whether associated objects contribute to them
- the contribution made by the setting and context of the place
- how the place compares with others sharing similar values.

3.4 Understanding and articulating the values and significance of a place is necessary to inform decisions about its future. The degree of significance determines what, if any, protection, including statutory designation, is appropriate under law and policy.

4 Significant places should be managed to sustain their values

4.1 Change in the historic environment is inevitable, caused by natural processes, the wear and tear of use, and people's responses to social, economic and technological change.

4.2 Conservation is the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.

4.3 Conservation is achieved by all concerned with a significant place sharing an understanding of its significance, and using that understanding to:

- judge how its heritage values are vulnerable to change
- take the actions and impose the constraints necessary to sustain, reveal and reinforce those values
- mediate between conservation options, if action to sustain one heritage value could conflict with action to sustain another
- ensure that the place retains its authenticity – those attributes and elements which most truthfully reflect and embody the heritage values attached to it.

4.4 Action taken to counter harmful effects of natural change, or to minimise the risk of disaster, should be timely, proportionate to the severity and likelihood of identified consequences, and sustainable.

4.5 Intervention may be justified if it increases understanding of the past, reveals or reinforces particular heritage values of a place, or is necessary to sustain those values for present and future generations, so long as any resulting harm is decisively outweighed by the benefits.

4.6 New work should aspire to a quality of design and execution which may be valued both now and in the future. This neither implies nor precludes working in traditional or new ways, but should respect the significance of a place in its setting.

5 Decisions about change must be reasonable, transparent and consistent

5.1 Decisions about change in the historic environment demand the application of expertise, experience and judgement, in a consistent, transparent process guided by public policy.

5.2 The range and depth of understanding, assessment and public engagement should be sufficient to inform and justify the decision to be made, but efficient in the use of resources. Proportionality should govern the exercise of statutory controls.

5.3 Potential conflict between sustaining heritage values of a place and other important public interests should be minimised by seeking the least harmful means of accommodating those interests.

5.4 If conflict cannot be avoided, the weight given to heritage values in making the decision should be proportionate to the significance of the place and the impact of the proposed change on that significance.

6 Documenting and learning from decisions is essential

6.1 Accessible records of the justification for decisions and the actions that follow them are crucial to maintaining a cumulative account of what has happened to a significant place, and understanding how and why its significance may have been altered.

6.2 Managers of significant places should monitor and regularly evaluate the effects of change and responses to it, and use the results to inform future decisions. Public bodies similarly should monitor and respond to the effects on the historic environment of their policies and programmes.

6.3 If all or part of a significant place will be lost, whether as a result of decision or inevitable natural process, its potential to yield information about the past should be realised. This requires investigation and analysis, followed by archiving and dissemination of the results, all at a level that reflects its significance.

6.4 Where such loss is the direct result of human intervention, the costs of this work should be borne by those who benefit from the change, or whose role it is to initiate such change in the public interest.

UNDERSTANDING HERITAGE VALUES

Preamble

30 People may value a place for many reasons beyond utility or personal association: for its distinctive architecture or landscape, the story it can tell about its past, its connection with notable people or events, its landform, flora and fauna, because they find it beautiful or inspiring, or for its role as a focus of a community. These are examples of cultural and natural heritage values in the historic environment that people want to enjoy and sustain for the benefit of present and future generations, at every level from the 'familiar and cherished local scene'[3] to the nationally or internationally significant place.

31 Many heritage values are recognised by the statutory designation and regulation of significant places, where a particular value, such as 'architectural or historic interest' or 'scientific interest', is judged to be 'special', that is above a defined threshold of importance. Designation necessarily requires the assessment of the importance of specific heritage values of a place; but decisions about its day-to-day management should take account of *all* the values that contribute to its significance. Moreover, the significance of a place should influence decisions about its future, whether or not it is has statutory designation.

32 Although most places of heritage value are used, or are capable of being used, for some practical purpose, the relationship between their utility and their heritage values can range from mutual support (in the normal situation of use justifying appropriate maintenance) to conflict. Places with heritage values can generate wider social and economic ('instrumental') benefits, for example as a learning or recreational resource, or as a generator of tourism or inward economic investment, although their potential to do so is affected by external factors, such as ease of access. Utility and market values, and instrumental benefits, are different from heritage values in nature and effect.

33 This section is intended to prompt comprehensive thought about the range of inter-related heritage values that may be attached to a place. The high level values range from evidential, which is dependent on the inherited fabric of the place, through historical and aesthetic, to communal values which derive from people's identification with the place.

34 Some values can be appreciated simply as a spontaneous, although culturally influenced, response; but people's experience of all heritage values tends to be enhanced by specific knowledge about the place.

[3] PPG 15, *Planning and the historic environment* (1994), para 1.1.

Evidential value

35 Evidential value derives from the potential of a place to yield evidence about past human activity.

36 Physical remains of past human activity are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed. Their evidential value is proportionate to their potential to contribute to people's understanding of the past.

37 In the absence of written records, the material record, particularly archaeological deposits, provides the only source of evidence about the distant past. Age is therefore a strong indicator of relative evidential value, but is not paramount, since the material record is the primary source of evidence about poorly-documented aspects of any period. Geology, landforms, species and habitats similarly have value as sources of information about the evolution of the planet and life upon it.

38 Evidential value derives from the physical remains or genetic lines that have been inherited from the past. The ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement.

Historical value

39 Historical value derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be *illustrative* or *associative*.

40 The idea of *illustrating* aspects of history or prehistory – the perception of a place as a link between past and present people – is different from purely evidential value. Illustration depends on visibility in a way that evidential value (for example, of buried remains) does not. Places with illustrative value will normally also have evidential value, but it may be of a different order of importance. An historic building that is one of many similar examples may provide little unique evidence about the past, although each illustrates the intentions of its creators equally well. However, their distribution, like that of planned landscapes, may be of considerable evidential value, as well as demonstrating, for instance, the distinctiveness of regions and aspects of their social organisation.

41 Illustrative value has the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place. The illustrative value of places tends to be greater if they incorporate the first, or only surviving, example of an innovation of consequence, whether related to design, technology or social organisation. The concept is similarly applicable to the natural heritage values of a place, for example geological strata visible in an exposure, the survival of veteran trees, or the observable interdependence of species in a particular habitat. Illustrative value is often described in relation to the subject illustrated, for example, a structural system or a machine might be said to have 'technological value'.

42 *Association* with a notable family, person, event, or movement gives historical value a particular resonance. Being at the place where something momentous happened can increase and intensify understanding through linking historical accounts of events with the place where they happened – provided, of course, that the place still retains some semblance of its appearance at the time. The way in which an individual built or furnished their house, or made a garden, often provides insight into their personality, or demonstrates their political or cultural affiliations. It can suggest aspects of their character and motivation that extend, or even contradict, what they or others wrote, or are recorded as having said, at the time, and so also provide evidential value.

43 Many buildings and landscapes are associated with the development of other aspects of cultural heritage, such as literature, art, music or film. Recognition of such associative values tends in turn to inform people's responses to these places. Associative value also attaches to places closely connected with the work of people who have made important discoveries or advances in thought about the natural world.

44 The historical value of places depends upon both sound identification and direct experience of fabric or landscape that has survived from the past, but is not as easily diminished by change or partial replacement as evidential value. The authenticity of a place indeed often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them, although completeness does tend to strengthen illustrative value.

45 The use and appropriate management of a place for its original purpose, for example as a place of recreation or worship, or, like a watermill, as a machine, illustrates the relationship between design and function, and so may make a major contribution to its historical values. If so, cessation of that activity will diminish those values and, in the case of some specialised landscapes and buildings, may essentially destroy them. Conversely, abandonment, as of, for example, a medieval village site, may illustrate important historical events.[4]

Aesthetic value

46 Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place.

47 Aesthetic values can be the result of the conscious *design* of a place, including artistic endeavour. Equally, they can be the seemingly *fortuitous* outcome of the way in which a place has evolved and been used over time. Many places combine these two aspects – for example, where the qualities of an already attractive landscape have been reinforced by artifice – while others may inspire awe or fear. Aesthetic values tend to be specific to a time and cultural context, but appreciation of them is not culturally exclusive.

48 *Design value* relates primarily to the aesthetic qualities generated by the conscious design of a building, structure or landscape as a whole. It embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship. It may extend to an intellectual programme governing the design (for example, a building as an expression of the Holy Trinity), and the choice or influence of sources from which it was derived. It may be attributed to a known patron, architect, designer, gardener or craftsman (and so have associational value), or be a mature product of a vernacular tradition of building or land management. Strong indicators of importance are quality of design and execution, and innovation, particularly if influential.

49 Sustaining design value tends to depend on appropriate stewardship to maintain the integrity of a designed concept, be it landscape, architecture, or structure.

50 It can be useful to draw a distinction between design created through detailed instructions (such as architectural drawings) and the direct creation of a work of art by a designer who is also in significant part the craftsman. The value of the artwork is proportionate to the extent that it remains the actual product of the artist's hand. While the difference between design and 'artistic' value can be clear-cut, for example statues on pedestals (artistic value) in a formal garden (design value), it is often far less so, as with repetitive ornament on a medieval building.

[4] For guidance on the restoration on ruins see para 133, on alterations to sustain use, para 154.

51 Some aesthetic values are not substantially the product of formal design, but develop more or less *fortuitously* over time, as the result of a succession of responses within a particular cultural framework. They include, for example, the seemingly organic form of an urban or rural landscape; the relationship of vernacular buildings and structures and their materials to their setting; or a harmonious, expressive or dramatic quality in the juxtaposition of vernacular or industrial buildings and spaces. Design in accordance with Picturesque theory is best considered a design value.

52 Aesthetic value resulting from the action of nature on human works, particularly the enhancement of the appearance of a place by the passage of time ('the patina of age'), may overlie the values of a conscious design. It may simply add to the range and depth of values, the significance, of the whole; but on occasion may be in conflict with some of them, for example, when physical damage is caused by vegetation charmingly rooting in masonry.

53 While aesthetic values may be related to the age of a place, they may also (apart from artistic value) be amenable to restoration and enhancement. This reality is reflected both in the definition of conservation areas (areas whose 'character or appearance it is desirable to preserve or enhance') and in current practice in the conservation of historic landscapes.

Communal value

54 Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects.

55 *Commemorative* and *symbolic* values reflect the meanings of a place for those who draw part of their identity from it, or have emotional links to it. The most obvious examples are war and other memorials raised by community effort, which consciously evoke past lives and events, but some buildings and places, such as the Palace of Westminster, can symbolise wider values. Such values tend to change over time, and are not always affirmative. Some places may be important for reminding us of uncomfortable events, attitudes or periods in England's history. They are important aspects of collective memory and identity, places of remembrance whose meanings should not be forgotten. In some cases, that meaning can only be understood through information and interpretation, whereas, in others, the character of the place itself tells most of the story.

56 *Social value* is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. Some may be comparatively modest, acquiring communal significance through the passage of time as a result of a collective memory of stories linked to them. They tend to gain value through the resonance of past events in the present, providing reference points for a community's identity or sense of itself. They may have fulfilled a community function that has generated a deeper attachment, or shaped some aspect of community behaviour or attitudes. Social value can also be expressed on a large scale, with great time-depth, through regional and national identity.

57 The social values of places are not always clearly recognised by those who share them, and may only be articulated when the future of a place is threatened. They may relate to an activity that is associated with the place, rather than with its physical fabric. The social value of a place may indeed have no direct relationship to any formal historical or aesthetic values that may have been ascribed to it.

58 Compared with other heritage values, social values tend to be less dependent on the survival of historic fabric. They may survive the replacement of the original physical structure, so long as its key social and cultural characteristics are maintained; and can be the popular driving force for the re-creation of lost (and often deliberately destroyed or desecrated) places with high symbolic value, although this is rare in England.

59 Spiritual value attached to places can emanate from the beliefs and teachings of an organised religion, or reflect past or present-day perceptions of the spirit of place. It includes the sense of inspiration and wonder that can arise from personal contact with places long revered, or newly revealed.

60 Spiritual value is often associated with places sanctified by longstanding veneration or worship, or wild places with few obvious signs of modern life. Their value is generally dependent on the perceived survival of the historic fabric or character of the place, and can be extremely sensitive to modest changes to that character, particularly to the activities that happen there.

ASSESSING HERITAGE SIGNIFICANCE

Preamble

61 Understanding a place and assessing its significance demands the application of a systematic and consistent process, which is appropriate and proportionate in scope and depth to the decision to be made, or the purpose of the assessment. This section sets out such a process, which can be applied not only to places already acknowledged as significant, but also to those where the potential for change generates the need for assessment. Not all stages will be applicable to all places.

Understand the fabric and evolution of the place

62 To identify the cultural and natural heritage values of a place, its history, fabric and character must first be understood. This should include its origins, how and why it has changed over time (and will continue to change if undisturbed), the form and condition of its constituent elements and materials, the technology of its construction, any habitats it provides, and comparison with similar places. Its history of ownership may be relevant, not only to its heritage values, but also to its current state.

63 The study of material remains alone will rarely provide sufficient understanding of a place. The information gained will need to be set in the context of knowledge of the social and cultural circumstances that produced the place. Documentation underpinning any existing statutory designations is also important. Historical and archaeological archives always help with understanding how and why the place has changed over time, as may personal recollections, which can be fundamental to identifying some historical and communal values. Published research frameworks may highlight particular aspects of evidential value or potential, but absence of evidence is not evidence of absence, especially of concealed or buried remains.

64 Historic Environment Records play a vital role in developing a comprehensive and dynamic information resource, both for understanding particular places and as a wider research tool. Key elements of documentation generated through understanding places, and making changes to significant places, should be copied to Historic Environment Records, as well as remaining accessible to everyone directly concerned with the place.

65 Extensive mapping, description, understanding and assessment – 'characterisation' – can facilitate rapid analysis of large areas, both urban and rural. Its aim is to help people recognise how the past has shaped the present landscape, by identifying the distinctive historic elements of an area, and explaining past contexts of particular places within it.[5]

Identify who values the place, and why they do so

66 To provide a sound basis for management, the people and communities who are likely to attach heritage values to a place should be identified, and the range of those values understood and articulated, not just those that may be a focus of contention. This involves engaging with owners, communities and specialists with a sufficient range of knowledge of the place, subject to the need for proportionality.

67 Different people and communities may attach different weight to the same heritage values of a place at the same time. Experience shows that judgements about heritage values, especially those relating to the recent past, tend to grow in strength and complexity over time, as people's perceptions of a place evolve. It is therefore necessary to consider whether a place might be so valued in the future that it should be protected now.

68 Understanding the history of a place does not necessarily make it significant; but the process of investigation often generates and helps to define perceptions of heritage value. This may happen through physical or documentary discoveries, or dialogue; but equally may be prompted by the articulation of links between the qualities of a particular place and the evolution of the culture that produced it, or the events that happened there.

[5] See *Boundless Horizons: Historic Landscape Characterisation* and *Using Historic Landscape Characterisation* (English Heritage, 2004) and at a more detailed level, *Guidance on conservation area appraisals* (English Heritage, 2006).

Relate identified heritage values to the fabric of the place

69 An assessment of significance will normally need to identify how particular parts of a place and different periods in its evolution contribute to, or detract from, each identified strand of cultural and natural heritage value. This is current practice in statutory designation, in relation to those particular values that are the basis of selection. The most useful categories for differentiating between the components of a place ('what') are temporal ('when', often linked to 'by whom') and spatial ('where', 'which part', often linked to 'why'). Understanding a place should produce a chronological sequence of varying precision, allowing its surviving elements to be ascribed to 'phases' in its evolution. Some phases are likely to be of greater significance than others, while some values, such as historical or communal, will apply to the place as a whole. For example:

'The evidential value and potential of Smith's Hall lies primarily in the timber-framed elements of the medieval hall house and 16th century cross-wing, and to a moderate extent in the 18th century alterations and partial casing. The latter is, however, of high architectural value, marred by superficial 19th century accretions, but complemented by a study extension of c1970 by A Architect. The contemporary garden is an outstanding design, integrating framework, sculpture and planting. The building well illustrates a regionally typical pattern of development from a medieval core, and its historical value is enhanced by its association with the writer A Wordsmith who commissioned the study and garden. Since his death Smith's Hall has developed as a creative writing centre and the focus of an annual literary festival'.[6]

70 In other cases, differentiation will be spatial, for example:

'The street block of the factory was designed by A N Other to demonstrate the architectural potential of the company's terracotta; it is a bold and well-proportioned design which was followed by others in the district. Its architectural value is reinforced by the technological [*ie illustrative historical*] value of the fireproof construction of the floors using hollow pots. The rear block, although it followed soon afterwards, is by contrast architecturally entirely typical of its date and place. While of lesser architectural value, it and the other buildings on the site, each of which fulfilled a specific role in the manufacturing process, are collectively of high evidential and historical value.'

71 In many cases, differentiation will be a combination of the spatial and the temporal. It will normally best be illustrated by maps or plans showing the age and relative significance of the components or character areas of a place. Where the assessment is prompted by potential change, it is important that elements that would be directly affected are addressed at an appropriate level of detail, but always in relation to the place as a whole.

[6] As a result of which it may also acquire social value over time.

Consider the relative importance of those identified values

72 It is normally desirable to sustain all the identified heritage values of a place, both cultural and natural; but on occasion, what is necessary to sustain some values will conflict with what is necessary to sustain others (paragraphs 91-92). If so, understanding the relative contribution of each identified heritage value to the overall value of the place – its significance – will be essential to objective decision-making. A balanced view is best arrived at through enabling all interested parties to appreciate their differing perspectives and priorities.

73 As the 'Smith's Hall' example above demonstrates, some elements of a place may actually mar or conceal its significance. Identifying these is current good practice in statutory designation, both national and local, the latter through conservation area character appraisals. Eliminating or mitigating negative characteristics may help to reveal or reinforce heritage values of a place and thus its significance.

Consider the contribution of associated objects and collections

74 Historically-associated objects can make a major contribution to the significance of a place, and association with the place can add heritage value to those objects. The range includes, but is not limited to, artefacts recovered through archaeological fieldwork, artworks and furnishings, collections, tools and machinery, and related archives, both historical and archaeological. The value of the whole is usually more than the sum of the parts, so that permanent separation devalues both place and objects. The contribution of such objects and archives, including evolving collections, should be articulated, even if they are currently held elsewhere, and regardless of whether their contribution falls within the scope of statutory protection.

75 Where places have been created around accumulated collections (for example, museums or libraries), the interior of a room or part of a garden has been designed as an entity (including a specific collection of furniture or sculpture, as well as fixed elements), or where an industrial building was designed around or to accommodate particular machinery, the relationship between the objects or elements and the place is fundamental to the significance of the place.

Consider the contribution made by setting and context

76 'Setting' is an established concept that relates to the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape. Definition of the setting of a significant place will normally be guided by the extent to which material change within it could affect (enhance or diminish) the place's significance.

77 'Context' embraces any relationship between a place and other places. It can be, for example, cultural, intellectual, spatial or functional, so any one place can have a multi-layered context. The range of contextual relationships of a place will normally emerge from an understanding of its origins and evolution. Understanding context is particularly relevant to assessing whether a place has greater value for being part of a larger entity, or sharing characteristics with other places.

Compare the place with other places sharing similar values

78 Understanding the importance of a place by comparing it with other places that demonstrate similar values normally involves considering:

- how strongly are the identified heritage values demonstrated or represented by the place, compared with those other places?
- how do its values relate to statutory designation criteria, and any existing statutory designations of the place?

79 Designation at an international, national or local level is an indicator of the importance of particular value(s) of a place; but the absence of statutory designation does not necessarily imply lack of significance. Detailed research and analysis may reveal new evidence about any place, and designation criteria are reviewed from time to time. The heritage values of a place established through detailed study should therefore normally be compared with current selection criteria for designation or the application of protective policies.

80 Value-based judgements about elements of the historic environment have implications both for places and for everyone with an interest in them. Such judgements provide the basis for decisions about whether, or to what extent, a place should be conserved, rather than remade or replaced. Designation forms the basis of the statutory system of heritage protection. It may have important financial and other consequences for owners, while the refusal to designate may mean the loss of a place to which some people attached considerable significance. Consistency of judgement is therefore crucial to the public acceptability and fairness of the process. Detailed criteria for statutory designation, periodically updated,[7] and a methodical articulation of how a particular place does or does not meet such criteria, make a major contribution to achieving that consistency.

81 The fact that a place does not meet current criteria for formal designation does not negate the values it may have to particular communities. Such values should be taken into account in making decisions about its future through the spatial planning system,[8] or incentive schemes like Environmental Stewardship.

Articulate the significance of the place

82 A 'statement of significance' of a place should be a summary of the cultural and natural heritage values currently attached to it and how they inter-relate, which distils the particular character of the place. It should explain the relative importance of the heritage values of the place (where appropriate, by reference to criteria for statutory designation), how they relate to its physical fabric, the extent of any uncertainty about its values (particularly in relation to potential for hidden or buried elements), and identify any tensions between potentially conflicting values. So far as possible, it should be agreed by all who have an interest in the place. The result should guide all decisions about material change to a significant place.

83 Assessments in support of a decision that a place passes the threshold for statutory designation for a particular value normally stand the test of time. However, the values of a place tend to extend beyond those which justify designation, and to grow in strength and complexity as time passes (Principle 3.3). A statement of significance is an informed and inclusive judgement made on a particular set of data, applying prevailing perceptions of value, primarily to inform the management of a significant place. The statement will therefore need review in the light of new information, and periodically to reflect evolving perceptions of value (Principle 3.4).

[7] Communities and Local Government Circular 01/2007, *Revision to principles of selection for listing buildings* complemented by detailed *Selection Guides* for particular building types produced by English Heritage, are a major step towards achieving this objective for listed buildings.

[8] In line with the *European Landscape Convention,* Articles 5, 6.

MANAGING CHANGE TO SIGNIFICANT PLACES

Preamble

84 Conservation involves people managing change to a significant place in its setting, in ways that sustain, reveal or reinforce its cultural and natural heritage values (Principle 4.2). Conservation is not limited to physical intervention, for it includes such activities as the interpretation and sustainable use of places. It may simply involve maintaining the *status quo*, intervening only as necessary to counter the effects of growth and decay, but equally may be achieved through major interventions; it can be active as well as reactive. Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effect on heritage values. It is only harmful if (and to the extent that) significance is eroded.

85 The public interest in significant places is recognised through specific legislative and policy constraints on their owners, but there are few fiscal concessions to encourage conservation, and direct financial assistance is very limited. It is the potential of significant places to be used and enjoyed that generates value in the market or to a community, and so tends to motivate and enable their owners to exercise positive, informed stewardship. Very few significant places can be maintained at either public or private expense unless they are capable of some beneficial use; nor would it be desirable, even if it were practical, for most places that people value to become solely memorials of the past.

86 Keeping a significant place in use is likely to require continual adaptation and change; but, provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process.

87 The shared public and private interest in sustaining significant places in use demands mutual co-operation and respect between owners or managers and regulators. The best use for a significant place – its 'optimum viable use'[9] – is one that is both capable of sustaining the place and avoids or minimises harm to its values in its setting. It is not necessarily the most profitable use if that would entail greater harm than other viable uses.

[9] PPG 15, paragraph 3.9, in the context of listed buildings, but the principle is applicable to most significant places.

88 Decisions about change to significant places may be influenced by a range of interests. They may involve balancing the heritage value(s) of what exists now against the predicted benefits and disbenefits of the proposed intervention; that is to say, the public interest in the historic environment (which, if statutorily protected, is subject to a policy presumption in favour of preservation), with other, usually inter-related, public and private interests. There is rarely a single right answer, so adequate information and adopting a consistent, rigorous process are crucial to reaching publicly-justifiable decisions.

Establish whether there is sufficient information

89 Understanding the impacts or consequences of proposed change should go beyond implications that are immediately apparent; for example, how much physical intervention would really be required to implement a proposal or a change of use? Specific investigation is often required, not only of ongoing processes of growth, change and decay, and other factors which may make the significance of the place vulnerable to harm or loss, but also of technical information about all the implications of a potential change, and often of the methods by which it would be achieved.

90 Having understood the scope of continuing or proposed change, sufficient information about the values of the elements of the place that would be affected is essential. The general process of assessing values and significance is addressed above (paragraphs 61-65). But detailed, targeted investigation and evaluation may be required, particularly of habitats, and of potential buried archaeological deposits or concealed structure, in order adequately to establish the contribution they make to the significance of the place. If required as part of a statutory process, such research must, however, be directly and proportionately related to the nature of proposal and its potential effects.

Consider the effects on authenticity and integrity

91 Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the values attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion. Design value may be recoverable through repair or restoration, but perhaps at the expense of some evidential value. Keeping a large machine, like a water mill or boat lift, in use, may require replacement and modification of structural or moving parts which could be retained if it ceased to operate, producing a tension between authenticity of fabric and function.

92 The decision as to which value should prevail if all cannot be fully sustained always requires a comprehensive understanding of the range and relative importance of the heritage values involved (guided by the assessment of significance: paragraphs 82-83), and what is necessary (and possible) to sustain each of them. Retaining the authenticity of a place is not always achieved by retaining as much of the existing fabric as is technically possible.

93 A desire to retain authenticity tends to suggest that any deliberate change to a significant place should be distinguishable, that is, its extent should be discernible through inspection. The degree of distinction that is appropriate must take account of the aesthetic values of the place. In repair and restoration, a subtle difference between new and existing, comparable to that often adopted in the presentation of damaged paintings, is more likely to retain the coherence of the whole than jarring contrast.

94 Integrity (literally, 'wholeness, honesty') can apply, for example, to a structural system, a design concept, the way materials or plants are used, the character of a place, artistic creation, or functionality. Decisions about recovering any aspect of integrity that has been compromised must, like authenticity, depend upon a comprehensive understanding of the values of the place, particularly the values of what might be lost in the process.

95 Every place is unique in its combination of heritage values, so, while it is technically possible to relocate some structures, their significance tends to be diminished by separation from their historic location. There are exceptions, for example public sculpture not significantly associated with its current site, or moving a structure back from an eroding cliff edge, thus recovering its intended relationship with the landform. Relocated structures may also acquire new values in a new location.

Take account of sustainability

96 Significant places should be used and managed in ways that will, wherever possible, ensure that their significance can be appreciated by generations to come, an established aspect of stewardship. Sustaining the value of the historic environment as a whole depends also on creating in the present the heritage of the future, through changes that enhance and enrich the values of places. Both objectives involve the difficult task of anticipating the heritage values of future generations, as well as understanding those of our own.

97 Sustaining heritage values is likely to contribute to environmental sustainability, not least because much of the historic environment was designed for a comparatively low-energy economy. Many historic settlements and neighbourhoods, tending towards high density and mixed use, provide a model of sustainable development. Traditional landscape management patterns have been sustained over centuries. Many traditional buildings and building materials are durable, and perform well in terms of the energy needed to make and use them. Their removal and replacement would require a major reinvestment of energy and resources.

98 The re-use of sound materials derived from the place being repaired or altered is traditional practice and contributes to the sustainable use of energy and material resources. Mixing old and new materials in exposed situations, however, may be inadvisable. Maintaining demand for new traditional and local materials will also stimulate their continued or renewed production, and help to ensure a sustainable supply and the craft skills to utilise it.

99 The re-use of sound traditional materials recovered from alteration and demolition elsewhere can also contribute to sustainability, provided they are not derived from degrading other significant places primarily because of the value of their materials.

Consider the potential reversibility of changes

100 In reality, our ability to judge the long-term impact of changes on the significance of a place is limited. Interventions may not perform as expected. As perceptions of significance evolve, future generations may not consider their effect on heritage values positive. It is therefore desirable that changes, for example those to improve energy efficiency in historic buildings, are capable of being reversed, in order not unduly to prejudice options for the future.

101 However, places should not be rendered incapable of a sustainable use simply because of a reluctance to make modest, but irreversible, changes. It is also unreasonable to take the idea of reversibility to the point that intervention in significant places diminishes their aesthetic values by appearing contrived, awkward or ugly, in order to ensure that it can be undone. Unless of very short duration, crude and intrusive changes are certainly not justifiable simply because they are theoretically temporary or reversible, for they risk becoming permanent.

Compare options and make the decision

102 Ideally, proposed changes will cause no harm to any of the values of the place, and the right decision will be obvious. In practice, however, there tend to be options for achieving the objective of proposed change, each of which will have different impacts on values. The predicted long-term or permanent consequences of proposals (in terms of degree, and whether positive, negative or neutral) on each of the identified heritage values of a place, and thus on the significance of the whole, should provide the reasoned basis for a decision, where necessary taking other interests into account.

103 Where there are options for the conservation management of change, or reconciling conservation and other interests, 'heritage impact assessment' can be used to compare the predicted effects of alternative courses of action (including taking no action) on the values of a place, in order to identify the optimum solution. The approach can be refined by weighting different values to reflect their relative importance for the place and its significance. Heritage impact assessment can be particularly useful if applied at the conceptual stage of a proposal, and refined at each successive step towards making a decision.

Apply mitigation

104 If some negative impact or loss of fabric is unavoidable, mitigation should be considered to minimise harm. This will normally include making records and archiving parts of significant elements, including archaeological deposits, that will be removed or altered prior to and during the work, in accordance with Principles 6.3 and 6.4. A high quality of design of proposed interventions is not mitigation; it is essential in any significant place (Principle 4.6), regardless of any unavoidable harm. Mitigation should not be confused with compensation – non-essential benefits to other aspects of the place, or to other heritage interests.

Monitor and evaluate outcomes

105 Monitoring implementation helps to ensure that outcomes reflect expectations. If, despite prior investigation, the unexpected is revealed during implementation, proposals should, so far as is reasonably possible, be amended to minimise harm.

106 The management of significant places should include regular monitoring and evaluation of the effects of change, in accordance with Principles 6.1 and 6.2. This provides the basis for action to address ongoing change (including action by authorities to mitigate the effects of deliberate neglect). Outcomes of decisions can be compared with expectations, often revealing unanticipated consequences, and informing future policy and decisions.

107 Conservation management plans, regularly reviewed, can provide a sound framework for the management of significant places, particularly those in responsible long-term ownership.

ENGLISH HERITAGE CONSERVATION POLICIES AND GUIDANCE

Preamble

108 This section summarises the policies that will guide English Heritage in offering advice or making decisions about particular types of change affecting significant places. More than one type of change may of course be included in any particular proposal. English Heritage is primarily concerned with the effect of proposals on the heritage values of places, and its policies are framed accordingly.

109 While some of the policies have a close relationship to particular principles (for example 'New work and alteration' to Principle 4.6), it is important that all the policies are interpreted in the framework of the *Principles* as a whole.

110 Tension between conservation and other public policies usually arises from a perceived need to harm the heritage values of a place in order to achieve another important public policy objective, or to sustain the place itself (paragraph 150). The converse is 'enabling development' contrary to public policy, which is proposed in order to sustain a significant place (paragraph 158). In both cases, it is important to keep a sense of proportion, and not automatically to assume that cultural or natural heritage values must prevail over all other public interests. Such tensions are usually best reconciled by integrating conservation with the other public interests through dialogue, based on mutual understanding and respect.

Routine management and maintenance

111 **The conservation of significant places is founded on appropriate routine management and maintenance.**

112 The values of landscapes and buildings tend to be quickly obscured or lost if long-standing management and maintenance regimes are discontinued. Such regimes are often closely linked to historic design, function and stewardship, and dependent on traditional processes and materials. Since most habitats in England are the result of long-established land management practices, sustaining their ecosystems can depend upon continuing those practices. Reinstating a lapsed regime can help to recover both cultural and natural heritage values.

113 Regular monitoring should inform continual improvement of planned maintenance and identify the need for periodic repair or renewal at an early stage. If a permanent solution to identified problems is not immediately possible, temporary works should be undertaken to prevent the problems from escalating. Temporary solutions should be effective, timely and reversible.

Periodic renewal

114 **Periodic renewal of elements of a significant place, intended or inherent in the design, is normally desirable unless any harm caused to heritage values would not be recovered over time.**

115 Periodic renewal, such as re-covering roofs, differs from maintenance in that it occurs on a longer cycle, is usually more drastic in nature and often has a greater visual impact. It involves the temporary loss of certain heritage values, such as the aesthetic value of the patina of age on an old roof covering, or the value of a dying tree as a habitat for invertebrates; but these values are likely to return within the next cycle, provided the replacement is physically and visually compatible (normally 'like for like', to the extent that this is sustainable). By contrast, the consequence of not undertaking periodic renewal is normally more extensive loss of both fabric and heritage values.

116 The justification required for periodic renewal will normally be that the fabric concerned is becoming incapable of fulfilling its intended functions through more limited intervention; and additionally, in the case of landscapes, that succession planting cannot achieve the objective in a less drastic way. Harm to values that will normally be recovered during the next cycle can, in most cases, be discounted, but potential permanent harm cannot be ignored in making the decision.

Repair

117 **Repair necessary to sustain the heritage values of a significant place is normally desirable if:**

a. **there is sufficient information comprehensively to understand the impacts of the proposals on the significance of the place; and**
b. **the long term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future; and**
c. **the proposals are designed to avoid or minimise harm, if actions necessary to sustain particular heritage values tend to conflict.**

118 It is important to look beyond the immediate need for action, to understand the reasons for the need for repair and plan for the long-term consequences of inevitable change and decay. While sufficient work should be undertaken to achieve a lasting repair, the extent of the repair should normally be limited to what is reasonably necessary to make failing elements sound and capable of continuing to fulfil their intended functions.

119 The use of materials or techniques with a lifespan that is predictable from past performance, and which are close matches for those being repaired or replaced, tends to carry a low risk of future harm or premature failure. By contrast, the longer term effects of using materials or techniques that are innovative and relatively untested are much less certain. Not all historic building materials or techniques were durable – iron cramps in masonry, or un-galvanised steel windows, for example, are both subject to corrosion. Some structural failures are the inevitable, if slowly developing, consequences of the original method of construction. Once failure occurs, stabilising the structure depends on addressing the underlying causes of the problem, not perpetuating inherent faults.

120 The use of original materials and techniques for repair can sometimes destroy more of the original fabric, and any decoration it carries, than the introduction of reinforcing or superficially protective modern materials. These may offer the optimum conservation solution if they allow more significant original fabric to be retained. In historic landscapes, planting may need to utilise alternative species, to resist disease or the effects of climate change. Before making decisions, it is essential to understand all the heritage values of the elements concerned, and to consider the longer term, as well as the immediate, conservation objectives.

121 Sometimes, the action necessary to sustain or reinforce one heritage value can be incompatible with the actions necessary to sustain others. Understanding the range, inter-relationships and relative importance of the heritage values associated with a place should establish priorities for reconciling or balancing such tensions. While every reasonable effort should be made to avoid or minimise potential conflict, contrived solutions requiring intensive maintenance are likely to be difficult to sustain.

Intervention to increase knowledge of the past

122 **Intervention in significant places primarily to increase knowledge of the past, involving material loss of evidential values, should normally be acceptable if:**

a. preservation *in situ* is not reasonably practicable; or

b. it is demonstrated that the potential increase in knowledge

- **cannot be achieved using non-destructive techniques; and**
- **is unlikely to be achieved at another place whose destruction is inevitable; and**
- **is predicted decisively to outweigh the loss of the primary resource.**

If acceptable, an intervention demands:

c. a skilled team, with the resources to implement a project design based on explicit research objectives;

d. funded arrangements for the subsequent conservation and public deposit of the site archive, and for appropriate analysis and dissemination of the results within a set timetable;

e. a strategy to ensure that other elements and values of the place are not prejudiced by the work, whether at the time or subsequently, including conservation of any elements left exposed.

123 The historic environment provides a unique record of past human activity, but differs from written archives in that 'reading' some parts of it can only be achieved through the destruction of the primary record. This policy applies particularly to the excavation of buried archaeological deposits, but can be relevant to the physical investigation of structures. It concerns intervention that goes beyond the evaluation and targeted investigation that may be necessary to inform and justify conservation management decisions.

124 The continuing development of investigative techniques suggests that, in future, it will be possible to extract more data from excavation and intervention than is currently possible, just as now it is usual to extract much more information than was possible a few decades ago. This demands a cautious approach to the use of a finite resource, and seeking to avoid loss of integrity, but it cannot reasonably exclude all research at a significant place. It must be recognised that much of the evidential value of the primary archive – the place itself – lies in its potential to increase knowledge of the past, to help protect the place and other similar places by a better understanding of their significance, to stimulate research, to encourage the further development of techniques to extract data, and to train successive generations of archaeologists.

125 Intervention must be justified primarily by considering the potential gain in knowledge in relation to the impact on the archaeological resource, and specifically on the place or type of site in question. Established, relevant research framework priorities should be taken into account. Intervention should always be the minimum necessary to achieve the research objectives, fully utilising the potential of non-destructive techniques; but also extensive enough to ensure that the full research potential of what is necessarily to be destroyed in the process can be realised.

Restoration

126 **Restoration to a significant place should normally be acceptable if:**

a. the heritage values of the elements that would be restored decisively outweigh the values of those that would be lost;
b. the work proposed is justified by compelling evidence of the evolution of the place, and is executed in accordance with that evidence;
c. the form in which the place currently exists is not the result of an historically-significant event;
d. the work proposed respects previous forms of the place;
e. the maintenance implications of the proposed restoration are considered to be sustainable.

127 Restoration is intervention made with the deliberate intention of revealing or recovering a known element of heritage value that has been eroded, obscured or previously removed, rather than simply maintaining the *status quo*. It may also achieve other conservation benefits, for example restoring a roof on a roofless building may make it both physically and economically sustainable in the long term. Restoration of some elements of a place may be a desirable precursor to the introduction of new work (paragraph 138), which will necessarily take over where the evidence for restoration ends.

128 The concept of authenticity (paragraph 91) demands that proposals for restoration always require particularly careful justification. Reinstating damaged elements of work directly created by the hand of an artist normally runs counter to the idea of authenticity and integrity. However, the reinstatement of damaged architectural or landscape features in accordance with an historic design evidenced by the fabric of a place may not do so, if the design itself was the artistic creation, intended to be constructed by others, and the necessary materials and skills are available.

129 Mitigation through recording (paragraph 104) is particularly important in restoration work. The results should be integrated with and used to update the initial analysis of the evidence for restoration (which will often be expanded and modified in detail during the early stages of work), and the result deposited in the appropriate Historic Environment Record.

'The heritage values of the elements that would be restored decisively outweigh the values of those that would be lost.'

130 Any restoration inevitably removes or obscures part of the record of past change to a significant place, and so reduces its evidential value, as well as potentially affecting its historical and aesthetic values. Restoration may, however, bring gains by revealing other heritage values, such as the integrity and quality of an earlier and more important phase in the evolution of a place, which makes a particular contribution to its significance. Careful assessment of the values of the elements affected is essential. Where the significance of a place is the result of centuries of change, restoration to some earlier stage in its evolution is most unlikely to meet this criterion.

'The nature of the work proposed is justified by compelling evidence of the evolution of the place, and is executed in accordance with that evidence'.

131 Evidence of the evolution of the place, and particularly of the phase to which restoration is proposed, should be drawn from all available sources – from study of the fabric of the place itself (the primary record of its evolution), any documentation of the original design and construction process, and subsequent archival sources, including records of previous interventions. The results of this research and the reasoned conclusions drawn from it should be clearly set out.

132 Speculative or generalised re-creation should not be presented as an authentic part of a place: the criteria for new work should apply to its design. But judgement is needed in determining the level of information specific to the place required to justify restoration. For example, reinstatement of an historic garden requires compelling evidence of its planned layout and hard materials, usually based upon or verified by archaeological investigation, and the structure of its planting; but it would be neither essential nor possible to replicate the precise location of every plant once within the garden.

'The form in which the place currently exists is not the result of an historically-significant event'.

133 If a building or structure was ruined or its character fundamentally changed as a consequence of an important historical event, its subsequent state will contribute to its significance: castles slighted in the Civil War, or monastic houses unroofed at the Dissolution, provide examples. In the wake of such episodes, some places were ruined, some cleared away completely, and others repaired and adapted for new purposes. Attempts to restore those exceptional places that have survived as ruins would deny their strong visual and emotional evidence of important historic events. Ruins – real or contrived – can also play a major role in designed landscapes, define the character of places, or be celebrated in art. Even so, their restoration or adaptive re-use may be justified if the alternative is loss.

134 The response to dramatic contemporary events which may ultimately come to be seen as historically significant – to memorialise, rebuild or redevelop – tends to be driven by public debate. If the place involved was not previously considered significant, such debate may be regarded solely as part of the event. Physical sustainability and changing values will, however, tend to influence the medium- to long-term future of memorialised ruins of comparatively modern buildings, or the scars of conflict.

135 By contrast, neglect and decay, abandonment, including the removal of roofs, crude adaptation for transient uses, accidental fires and similar circumstances are not normally historically-significant events, and subsequent restoration of the damaged parts of the place, even after a long interval, will not fail this test. Retaining gutted shells as monuments is not likely, in most cases, to be an effective means of conserving surviving fabric, especially internal fabric never intended to withstand weathering; nor is this approach likely to be economically sustainable. In such cases, it is appropriate to restore to the extent that the evidence allows, and thereafter to apply the policy for new work (paragraph 138).

'The work proposed respects previous forms of the place'

136 The more radical the restoration, the more likely it is to introduce an element of incongruity. The reversal of relatively minor but harmful changes, to restore a place to a form in which it recently existed as a complete entity, is unlikely to contradict this criterion. By contrast, the restoration of isolated parts of a place to an earlier form, except as legible elements of an otherwise new design, would produce an apparently historic entity that had never previously existed, which would lack integrity.

'The maintenance implications of the proposed restoration are considered to be sustainable'

137 It is essential to consider the long term implications of a proposed restoration for viability and sustainability. If, for instance, a place or part of it was modified primarily in order to reduce maintenance costs, restoration without considering the increased resources needed for maintenance is likely to be counter-productive. The reinstatement of elaborate parterres in historic gardens is an obvious example, but others can have more serious consequences. For example, reversing a 'crown flat' – a flat roof inserted between ridges to eliminate a valley gutter in an historic roof – will lead to rapid decay if the restored valley gutter is not readily accessible and adequately maintained.

New work and alteration

138 **New work or alteration to a significant place should normally be acceptable if:**

a. **there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place;**
b. **the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed;**
c. **the proposals aspire to a quality of design and execution which may be valued now and in the future;**
d. **the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future.**

139 The recognition of the public interest in heritage values is not in conflict with innovation, which can help to create the heritage of the future. Innovation is essential to sustaining cultural values in the historic environment for present and future generations, but should not be achieved at the expense of places of established value.

'The proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed'

140 The greater the range and strength of heritage values attached to a place, the less opportunity there may be for change, but few places are so sensitive that they, or their settings, present no opportunities for change. Places whose significance stems essentially from the coherent expression of their particular cultural heritage values can be harmed by interventions of a radically different nature.

141 Quality of design, materials, detailing and execution is obviously essential in places of established value. Conversely, places of lesser significance offer the greatest opportunity for the creation of the heritage values of tomorrow, because they have the greatest need of quality in what is added to them. Their potential will only be achieved if all new work aspires to the quality routinely expected in more sensitive places.

'The proposals aspire to a quality of design and execution which may be valued now and in the future'

142 The need for quality in new work applies at every level, from small interventions in an historic room, to major new buildings or developments. Small changes need as much consideration as large ones, for cumulatively their effect can be comparable.

143 There are no simple rules for achieving quality of design in new work, although a clear and coherent relationship of all the parts to the whole, as well as to the setting into which the new work is introduced, is essential. This neither implies nor precludes working in traditional or new ways, but will normally involve respecting the values established through an assessment of the significance of the place.

144 Quality is enduring, even though taste and fashion may change. The eye appreciates the aesthetic qualities of a place such as its scale, composition, silhouette, and proportions, and tells us whether the intervention fits comfortably in its context. Achieving quality always depends on the skill of the designer. The choice of appropriate materials, and the craftsmanship applied to their use, is particularly crucial to both durability and to maintaining the specific character of places.

'The long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future'

145 New work frequently involves some intervention in the existing fabric of a place, which can be necessary to keep it in or bring it back into use. A 'presumption in favour of preservation' (doing no harm), even preservation of evidential value, does not equate to a presumption against any intervention into, or removal of, existing fabric; but such interventions require justification in terms of impacts on heritage values.

146 There are limits, however, beyond which loss of inherited fabric compromises the authenticity and integrity of a place. At the extreme, a proposal to retain no more than the façade of an historic building attached to a modern structure must be considered in the light of an assessment of the existing values of the building, both as a whole and in its elements. The relationship between the façade and the existing and proposed structures behind will be crucial to the decision, but retaining the façade alone will not normally be acceptable.

147 Changes designed to lessen the risk or consequences of disaster to a significant place require a balance to be struck between the possibility of major harm to heritage values without them, and the certainty of the lesser, but often material, harm caused by the works themselves. The need for physical precautions should be considered as part of disaster response and recovery planning for the place as a whole, based on risk assessment and management requirements, and any statutory duties. All options should be evaluated, including improved management as an alternative to, or in conjunction with, lower levels of physical intervention.

148 As with repair, the use in interventions of materials and techniques proven by experience to be compatible with existing fabric, including recycled material from an appropriate source (paragraphs 98-99), tends to bring a low risk of failure. Work which touches existing fabric lightly, or stands apart from it, brings progressively greater opportunity for innovation. Energy efficiency (in production as well as use), sustainable sourcing of materials, and environmental good practice should guide all new work, but not to the extent of causing harm to the heritage values of the place.

Integrating conservation with other public interests

149 **Changes which would harm the heritage values of a significant place should be unacceptable unless:**

a. **the changes are demonstrably necessary either to make the place sustainable, or to meet an overriding public policy objective or need;**
b. **there is no reasonably practicable alternative means of doing so without harm;**
c. **that harm has been reduced to the minimum consistent with achieving the objective;**
d. **it has been demonstrated that the predicted public benefit decisively outweighs the harm to the values of the place, considering**
   - **its comparative significance,**
   - **the impact on that significance, and**
   - **the benefits to the place itself and/or the wider community or society as a whole.**

150 The integration of heritage and other environmental interests with economic and social objectives at every level of strategic planning – national, regional, local – helps to minimise conflict. A willingness to consider and compare the impacts on the significance of a place of a range of options to achieve the public objective concerned is essential, as is selecting an option that either eliminates, or (as far as is possible) mitigates harm. This will often involve those representing heritage interests in employing the skills necessary critically to appraise the case and options for development, as well as its promoters employing the skills needed to evaluate heritage implications. The heritage case should be put fully and robustly.

'Comparative significance'

151 The greater the significance of a place to society, the greater the weight that should be attached to sustaining its heritage values. This concept of 'proportionality' (Principle 5.4) relies on judgement rather than formulae, but is fundamental to equitable reconciliation of the public interest in heritage with other public and private interests.

152 Since statutory designation, at local as well as national level, is a clear indicator of the significance of a place, the fact of designation can itself play a vital role in guiding options for strategic change. The absence of designation, however, does not necessarily mean that a place is of low significance (paragraphs 79, 81). The weight to be attached to heritage values relative to other public interests should not be considered until those heritage values have been properly evaluated, assessed against current criteria and, if they meet them, safeguarded by designation.

'Impact on significance'

153 The assessment of the degree of harm to the significance of a place should consider the place as a whole and in its parts, its setting, and the likely consequences of doing nothing. In the case of a derelict historic building, for example, should a viable, but modestly damaging, proposal be refused in the hope that a better or less damaging scheme will come forward before the place reaches the point of no return? In such circumstances, the known or predicted rate of deterioration is a crucial factor, and hope must be founded on rational analysis. The potential availability of subsidy as an alternative to harmful change, or to limit its impact, should be considered. The fact that a place is neglected should not, of itself, be grounds for agreeing a scheme that would otherwise be unacceptable.

'Benefits to the place'

154 Quite minor changes, for example to meet the duties to make 'reasonable adjustments' under the Disability Discrimination Act 1995, or accommodate changing liturgy in a church, may keep a place fit for use. This in turn can make a place sustainable by maintaining its market value, or allowing its continued use by a community. Any changes that would cause harm to the heritage values of the place should obviously be limited to what is necessary to sustain it in use, and their impacts mitigated so far as possible. However, a high quality of design of proposed interventions is not mitigation, but essential in any significant place (Principle 4.6), and offers of compensation should not make harmful proposals more acceptable (paragraph 104).

'Benefits to the wider community or society as a whole'

155 These assessments are broader and more complex than those concerned only with the gains and losses for the heritage values of a place. The underlying considerations should always be proportionality and reasonableness: whether, in relation to the place or society, the predicted benefits of change outweigh the residual, unavoidable harm that would be done to the significance of the place. The balance lies between retaining significance – the sum of the heritage values ascribed at the point of change to something which, if lost, cannot be replaced – and the predicted, and potentially short-term, benefits of development. The benefits, including those of strategies to mitigate and adapt to climate change, need to be subject to scrutiny in proportion to their impact on heritage values.

156 Reconciling conservation and other public objectives can be most difficult when the heritage values of a significant place, often an archaeological site or an historic building, must be compared with the potential of a replacement to enhance the place because of its allegedly greater cultural value. Subjective claims about the architectural merits of replacements cannot justify the demolition of statutorily-protected buildings.[10] There are less clear-cut situations, however, in which it is proposed to replace a building or develop a place of modest, but positive, heritage value with one that is claimed to be of much greater architectural quality, or where such a proposal would affect the setting of a significant place. Its supporters claim net enhancement, while its opponents claim absolute harm to the heritage values of the place. Each is making a value-based judgement, but choosing to attach different weights to particular values. If such positions are maintained, the choice is ultimately a political one, or for decision at public inquiry.

Enabling development

157 **Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:**

a. it will not materially harm the heritage values of the place or its setting
b. it avoids detrimental fragmentation of management of the place;
c. it will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose;
d. it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
e. sufficient subsidy is not available from any other source;
f. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
g. the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

158 Enabling development is development that would deliver substantial benefit to a place, but which would be contrary to other objectives of national, regional or local planning policy. It is an established planning principle that such development may be appropriate if the public benefit of rescuing, enhancing, or even endowing a significant place decisively outweighs the harm to other material interests. Enabling development must always be in proportion to the public benefit it offers.

[10] This is currently stated as government policy in PPG 15, *Planning and the historic environment* (1994) at paragraph 3.19 (iii).

159 If it is decided that a scheme of enabling development meets all the criteria set out above, planning permission should be granted only if:

a. the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
b. the achievement of the heritage objective is securely and enforceably linked to the enabling development, bearing in mind the guidance in ODPM Circular 05/05, *Planning obligations*;
c. the place concerned is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation; and
d. the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

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CONCLUSION

Applying the *Principles*

160 These *Conservation Principles, Policies and Guidance* build on earlier statements and experience, to formalise an approach which takes account of a wide range of heritage values. They are intended to help everyone involved to take account of the diverse ways in which people value the historic environment as part of their cultural and natural heritage. They acknowledge that the cultural and natural heritage values of places, including those reflected in landscape designations, should be managed in parallel, fostering close working relationships between cultural and natural heritage interests.

161 Balanced and justifiable decisions about change in the historic environment depend upon understanding who values a place and why they do so, leading to a clear statement of its significance and, with it, the ability to understand the impact of the proposed change on that significance.

162 Every reasonable effort should be made to eliminate or minimise adverse impacts on significant places. Ultimately, however, it may be necessary to balance the public benefit of the proposed change against the harm to the place. If so, the weight given to heritage values should be proportionate to the significance of the place and the impact of the change upon it.

163 The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, not only are its heritage values eroded or lost, but so is its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

164 Although developed primarily to guide the activities of English Heritage staff, we therefore commend these *Principles, Policies and Guidance* for adoption and application by all involved with the historic environment and in making decisions about its future.

DEFINITIONS

This section includes words used in a specific or technical sense. The *Oxford English Dictionary* definition otherwise applies.

Alteration
Work intended to change the function or appearance of a place

Authenticity
Those characteristics that most truthfully reflect and embody the cultural heritage values of a place[11]

Conservation
The process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations

Conservation area
'An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance', designated under what is now s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Context
Any relationship between a place and other places, relevant to the values of that place

Designation
The recognition of particular heritage value(s) of a significant place by giving it formal status under law or policy intended to sustain those values

Fabric
The material substance of which places are formed, including geology, archaeological deposits, structures and buildings, and flora

Harm
Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place

Heritage
All inherited resources which people value for reasons beyond mere utility

Heritage, cultural
Inherited assets which people identify and value as a reflection and expression of their evolving knowledge, beliefs and traditions, and of their understanding of the beliefs and traditions of others

Heritage, natural
Inherited habitats, species, ecosystems, geology and landforms, including those in and under water, to which people attach value

Historic environment
All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible or buried, and deliberately planted or managed flora

Historic Environment Record
A public, map-based data set, primarily intended to inform the management of the historic environment

Integrity
Wholeness, honesty

Intervention
Any action which has a physical effect on the fabric of a place

Maintenance
Routine work regularly necessary to keep the fabric of a place in good order

Material
Relevant to and having a substantial effect on, demanding consideration

Natural change
Change which takes place in the historic environment without human intervention, which may require specific management responses (particularly maintenance or periodic renewal) in order to sustain the significance of a place

[11] This definition is based on *The Nara Document on Authenticity* (ICOMOS 1994)

Object
Anything not (now) fixed to or incorporated within the structure of a place, but historically associated with it

Place
Any part of the historic environment, of any scale, that has a distinctive identity perceived by people

Preserve
To keep safe from harm[12]

Proportionality
The quality of being appropriately related to something else in size, degree, or other measurable characteristics

Public
Of, concerning, done, acting, etc. for people as a whole

Renewal
Comprehensive dismantling and replacement of an element of a place, in the case of structures normally reincorporating sound units

Repair
Work beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving restoration or alteration

Restoration
To return a place to a known earlier state, on the basis of compelling evidence, without conjecture

Reversible
Capable of being reversed so that the previous state is restored

Transparent
Open to public scrutiny

Setting
The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape

Significance [of a place]
The sum of the cultural and natural heritage values of a place, often set out in a statement of significance

Significant place
A place which has heritage value(s)

Sustain
Maintain, nurture and affirm validity

Sustainable
Capable of meeting present needs without compromising ability to meet future needs

Value
An aspect of worth or importance, here attached by people to qualities of places

Value, aesthetic
Value deriving from the ways in which people draw sensory and intellectual stimulation from a place

Value, communal
Value deriving from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory

Value, evidential
Value deriving from the potential of a place to yield evidence about past human activity

Value, historical
Value deriving from the ways in which past people, events and aspects of life can be connected through a place to the present

Value-based judgement
An assessment that reflects the values of the person or group making the assessment

[12] The legal interpretation established in South Lakeland DC v Secretary of State for the Environment and Rowbotham [1991] 2 L.P.R. 97

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The Planning Inspectorate

APPLICATION TO DEREGISTER, OR TO DEREGISTER AND EXCHANGE, COMMON LAND OR TOWN OR VILLAGE GREENS

Commons Act 2006: Section 16

Return completed application to:

The Commons Team
The Planning Inspectorate
3A Temple Quay House
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5637

E-mail: commonlandcasework@planninginspectorate.gov.uk

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-

- Section 16(9) of the Commons Act 2006 requires that an application to deregister and exchange common land or town or village greens may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. When completing this form you will be asked to confirm that such consent has been obtained and that you have consulted any relevant leaseholder of, and the proprietor of any relevant charge over, the release land/any replacement land about the application.
- Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
- Refer to "*Notes on completing an application to deregister, or to deregister and exchange, common land or town or village greens*" (the "Notes") when completing this form.
- References throughout this form to 'common land' apply equally to 'town or village green'.
- A non-refundable fee of £4,900 is payable for all applications under section 16 to deregister/exchange common land. A cheque for this amount, payable to "The Planning Inspectorate", must accompany every application. Alternatively, if you wish to pay by BACS the Planning Inspectorate's bank details are available on request.

SECTION A – The common land to be deregistered (i.e. the release land) **(see Notes 1 to 4)**

Section A1 – The Common

1. Name and full address of common

The Sands
Durham City
County Durham

CL no or VG no: CL29

Commons Registration Authority: The County Council of Durham

Section A2 – The owner of the release land

2.	Forename	
	Surname	
	Organisation (if appropriate)	The County Council of Durham
	Title (Mr/Mrs/Miss/Dr)	
	Full Postal Address	County Hall Durham
	Postcode	DH1 5UL
	Telephone No/Mobile	
	E-mail address	neil.carter@durham.gov.uk

3. Do you prefer to be contacted by ☐ Post ☑ E-mail

4. Please note that unless you tick the box below we will send all correspondence to the person named above and not to the owner of the replacement land shown in Section B1.

☐ Please send all correspondence to the owner of the replacement land named in section B1

Section A2a – The agent (where applicable)

4a.	Forename	
	Surname	
	Organisation (if appropriate)	
	Title (Mr/Mrs/Miss/Dr)	
	Full Postal Address	
	Postcode	

Telephone No/Mobile

E-mail address

Do you prefer to be contacted by Post E-mail

Section A3 – Area of common and common rights

5. What is the total area of common land as registered?

29,074 m2

What common rights, if any, are registered? (e.g. number and type) If the land is a town or village green, what kind of recreation is it used for?

The right to graze 20 cows, 50 sheep, 10 goats and 10 horses.

6. If there are common rights registered are they exercised? ☐ Yes ☑ No

If yes, please give details e.g. which commoners are active, which rights are exercised and how often.

Section A4 – Description of the release land

7. Area of release land in m^2 1,675 m2

Description (including location) of the release land

Coach park, the Sands, Durham City

SECTION B – The land to be given in exchange (i.e. the replacement land) **(see Notes 5 and 6)**

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m^2. ☑ Yes ☐ No

   If **Yes**, go to Question 9. If **No**, please explain below why you are not providing replacement land and then go to Question 14.

Section B1 – The owner of the replacement land

9. Forename

   Surname

   Organisation (if appropriate) The County Council of Durham

   Title (Mr/Mrs/Miss/Dr)

   Full Postal Address County Hall
   Durham

   Postcode DH1 5UL

Telephone No/Mobile	
E-mail address	neil.carter@durham.gov.uk

Only complete Question 10 if Question 4 has been ticked.

10. Do you prefer to be contacted by ☐ Post ☐ E-mail

Section B2 – Description of the replacement land

11. Name of replacement land (if any) Land East of Rivergreen Centre, Aykley Heads

Area of proposed replacement land (in m^2) 18,371 m2

Description (including location) of the replacement land.

Land east of Rivergreen Centre, Aykley Heads, Durham City.

12. Please confirm that the proposed replacement land is not already registered as common land or town or village green. ☑ I confirm

Section B3 – Rights over the replacement land

13. Give details of any relevant leaseholders, other occupiers, rights of access and easements, those holding any relevant charges over the replacement land, or any other rights or easements. Explain why such rights will not materially interfere with the public's right to use the land (should the application be successful). (**see Note 8**).

1) Office of the Durham Police, Crime & Victims' Commissioner;
2) Rivergreen Limited; and
3) Sunderland Marine Mutual Insurance Limited
All have easements for connection into roads and services but these are compatible with public use. Further detail is provided in the supporting statement.

SECTION C - Access arrangements and current features of the lands **(see Notes 7, 8 and 9)**

Section C1 – Access to the lands:

14. To what extent is there **existing** public access over the land(s) e.g. public rights of access under Section 193 of the Law of Property Act 1925?

(a) The release land

The most recent use of the release land is as a public bus/coach park although Section 193 of the Law of Property Act 1925 would confer rights of recreational usage upon the public. Accordingly, such rights cannot have been exercised during the coach park use.

(b) The replacement land (including any existing informal public access)

There are no existing public access rights (formal or informal) over the replacement land.

15. What are the intended access arrangements for the replacement land?

The Replacement Land is proposed to be accessed by a single gate adjacent to the permissive cycleway which forms part of the extensive public and permissive right of way network linking the Replacement Land to surrounding neighbourhoods.

Section C2 - Current condition of the lands

16. Describe the current condition and use of the lands, including any biodiversity, landscape, archaeological, agricultural and recreational interests:

(a) The release land

As the release land has been in use as a coach park, it has a sealed tarmac surface and accordingly there are no features of environmental or historic merit. Further details are provided in the attached Supporting Statement.

(b) The replacement land

Currently an enclosed area of semi-improved grassland. See Supporting Statement for full details.

17. What structures (e.g. buildings, roads, bridleways, footpaths, walls, fences) are currently on the land?

(a) The release land

None other than tarmac surface.

(b) The replacement land

None.

18. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) are currently on the perimeter of (or on land immediately adjoining) the land?

(a) The release land

No boundary features. There are a number of mature trees on the release land and immediately adjoining it.

(b) The replacement land

Enclosed by post and rail fencing, hedgerow and trees but see Supporting Statement for further detail.

19. What, if any, boundary or other features are proposed to be removed from or erected on the replacement land as part of the exchange?

None. Replacement land is currently fenced and will remain so.

20. What, if any, works are to be carried out on the replacement land as part of the exchange?

None.

SECTION D – Details of the exchange or deregistration (see Notes 10, 11, and 12)

21. What are the reasons for the exchange or deregistration?

The deregistration of the Release Land is required to facilitate the development of a new Council Headquarters at the Sands and to regularise the non-common land use to which it has been put over many years. Full justification and explanation for the application is contained in the attached Supporting Statement.

SECTION E – Designations (see Notes 13 and 14)

22. Are any of the lands subject of this application in or near a Site of Special Scientific Interest (SSSI), National Nature Reserve, a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?

(a) the release land ☐ Yes ☑ No

If **Yes**, please give details and identify the location on the map

(b) the replacement land ☐ Yes ☑ No

If **Yes**, please give details and identify the location on the map.

23. Do any of the lands contain a Scheduled Ancient Monument?

(a) the release land ☐ Yes ☑ No

If **Yes**, give details and identify the location on the map.

(b) the replacement land ☐ Yes ☑ No

If **Yes**, give details and identify the location on the map

24. Are any of the lands in a National Park or Area of Outstanding Natural Beauty?

(a) the release land ☐ Yes ☑ No

If **Yes**, please give details.

(b) the replacement land ☐ Yes ☑ No

If **Yes**, please give details.

25. Are any of the lands subject of this application covered by any local designations, e.g. local nature reserve, area of special landscape value, heritage coast, conservation area or public open space?

(a) the release land ☑ Yes ☐ No

If **Yes**, please give details.

Within the Durham City Conservation Area

(b) the replacement land ☑ Yes ☐ No

If **Yes**, please give details.

Within the City of Durham Greenbelt and also designated as an Area Of High Landscape Value in the City of Durham Local Plan

SECTION F – Adjacent common land **(see Note 15)**

26. Does any area of common land with a different registration number adjoin the common land subject of this application? ☐ Yes ☑ No

If **Yes,** give details and identify them on the map

SECTION G – Advertisement and Consultation **(see Notes 16 and 18)**

27. **You must advertise your proposal** in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common) **within 7 days** of making your application. Use the draft notice at **Annex B** of the **Notes**.

☑ A notice has been prepared following the format at Annex B.

28. You **must** also send a copy of the notice (using the letter at **Annex C** of the **Notes**) to the following:

☑	the commons council or commoners' association (if there is one)
☑	all active commoners
☐	others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
☑	the Commons Registration Authority (usually the county council or unitary authority), District or Borough Council and Parish Council (where known)
☑	Natural England (Please send only to enquiries@naturalengland.org.uk)
☑	Historic England
☐	National Park Authority (if the proposal is in a National Park)
☐	AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
☑	Open Spaces Society
☑	The local authority archaeological service

Even if you have consulted any of these bodies before making this application you still need to send them a copy of the notice.

29. Which newspaper will the advertisement appear in? Advertiser North (Durham Advertiser)

On what date? 22 August 2019

SECTION H – Maps

30. Please enclose two copies of the map that meet the requirements set out in **Note** 19.

☑ Two copies of the map are enclosed.

Section I – Checklist **(tick to confirm)**

31. I have read the **Notes** in full. ☑

32. I have answered all the questions (where appropriate) on this form in full. ☑

I have enclosed two copies of the map that meets the requirements of Note 19. ☑

I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map. ☑

I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. ☑

I have enclosed a copy of any document mentioned in answering the questions on this form. ☑

I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary. ☑

I have enclosed my application fee of £4,900. ☑

33. I will as soon as possible:

advertise the proposal in one main local newspaper ☑

post a copy of the notice at the main entry points to the lands ☑

send a copy of the notice to all those listed at Section G ☑

place a copy of the notice, map and application at the inspection point ☑

write to the Planning Inspectorate using the letter at Annex D of the Notes to confirm that the advertising requirements have been met. ☑

SECTION J – Declaration

I/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

*No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

*~~I/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged~~.

*delete as appropriate

The contents of this application are true and complete to the best of my/our knowledge and belief.

Release Land:

Signature of owner	N Carter
Name	Neil Carter
Date	20 August 2019
Position and name of organisation (where appropriate).	Solicitor for The County Council of Durham
Signature of co-owner (where applicable)	
Name	
Date	
Position and name of organisation (where appropriate).	

Replacement Land:

Signature of owner	N Carter
Name	Neil Carter
Date	20 August 2019

Position and name of organisation (where appropriate).	Solicitor for The County Council of Durham
Signature of co-owner (where applicable)	
Name	
Date	
Position and name of organisation (where appropriate).	

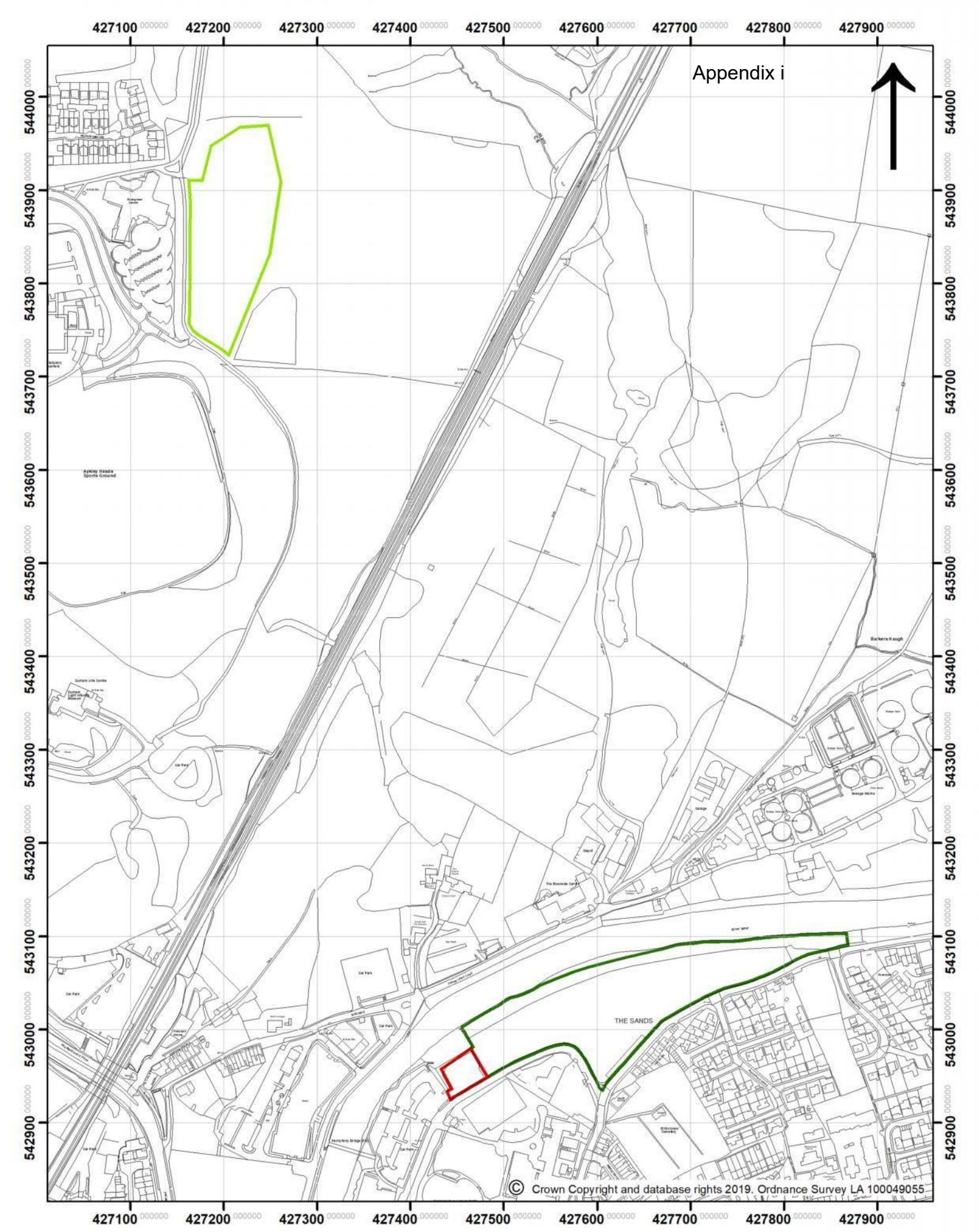
You should keep a copy of the completed form

General Data Protection Regulation

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

For information about how we process the information you provide please see Common Land Guidance Sheet 13: Privacy Policy at the link below.

https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy



0 50 100 200 Metres

Overview Plan (Plan 1)

Date 20/08/2019 **Scale** 1:5,000

Release land (1,675 m2)

Replacement land (18,371 m2)

Common Land (27,399 m2)

Durham County Council

C.R.
Form 2

COMMONS REGISTRATION ACT 1965

NOTE: This section contains the registration of the land comprised in this register unit.

Registration authority

DURHAM COUNTY COUNCIL

Register unit No. CL 29
Edition No. 1

See Overleaf for Notes

Register of COMMON LAND

LAND SECTION—Sheet No. 1

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1 3rd December, 1968	Those pieces of land called The Sands containing 10.33 acres or thereabouts in the City of Durham as marked with a green verge line inside the boundary on sheets 2742 & 2743 of the register map and distinguished by the number of this register unit. Registered in consequence of Application No.156 (Rights) made 29th February, 1968 by The Trustees and Wardens of the Freemen of the City of Durham, C/o Henry Cecil Ferens, Diocesan Registry, The College, Durham (Registration Provisional)
2 3rd Jun. 1981	The registration at entry No.1 above, which was disputed, became final on 27th October, 1980 with the modification that the land hatched violet on the register map and shown by a letter "A" be excluded from the registration.

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C.R.
Form 3

COMMONS REGISTRATION ACT 1965

NOTE. This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority

DURHAM COUNTY COUNCIL

Register unit No. CL 29

Edition No. 1

Register of COMMON LAND

See Overleaf for Notes

RIGHTS SECTION—Sheet No. 1

1 *No. and date of entry*	2 *No. and date of application*	3 *Name and address of every applicant for registration, and the capacity in which he applied*	4 *Particulars of the right of common, and of the land over which it is exercisable*	5 *Particulars of the land (if any) to which the right is attached*
1. 3rd December, 1968	156 29th Feb. 1968	The Trustees & Wardens of the Freemen of the City of Durham C/o Henry Cecil Ferens Diocesan Registry, The College, Durham. Owners.	To graze 20 cows, 50 sheep, 10 goats and 10 horses over the whole of the land contained in this registe unit (~~Registration Provisional~~)	-
2. 3rd June, 1981	The above registration, being disputed, became final on 27th October, 1981 in accordance with a decision under Section 6(2) of the Commons Registration Act, 1965 dated 29th April, 1981 by Mr. G.D. Squibb, Chief Commons Commissioner.			

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No. and date of note	Notes	No. and date of note	Notes
1. 12th May 1970	The application of Maurice Levitas of 20 Wearside Drive, The Sands, Durham on behalf of the Sands Area Residents Association No.396 made 8th November, 1969 is noted in respect of the registration at entry No.1		
2 12th May, 1970	The registration at entry No.1 above is in conflict with the registration at entry No.1 in the Land Section of the Register of Town or Village Green register unit No. VG97 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.		
3 12th May, 1970	Part of the land comprised in this register unit is also provisionally registered in the Register of Town or Village Greens under register unit No.(s) VG97 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		
4 3rd Nov. 1970	The objection No.5 of Durham Corporation of 32 Claypath, Durham made the 18th May, 1969 is noted in respect of registration entry No.1 in this section.		

No. and date of note	Notes	No. and date of note	Notes
1. 12th May, 1970	(Part)* of the land comprised in this register unit is also provisionally registered in the Register of Town or Village Green under register unit No(2) VG 37 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		
2. 3rd November 1970	Every objection to the registration, whether as common land or as a town or village green, of any land comprised in this register unit has effect as an objection to any registration (whenever made) under section 4 of the Commons Registration Act 1965 of any rights over that land, whether that registration appears in this register or in the Register of Town or Village Greens. If any of the land is also registered as a town or village green, a note to that effect will appear in each section of this register unit.		

C.R.
Form 4

COMMONS REGISTRATION ACT 1965

Register of

NOTE: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration authority

Register unit No. CL 29

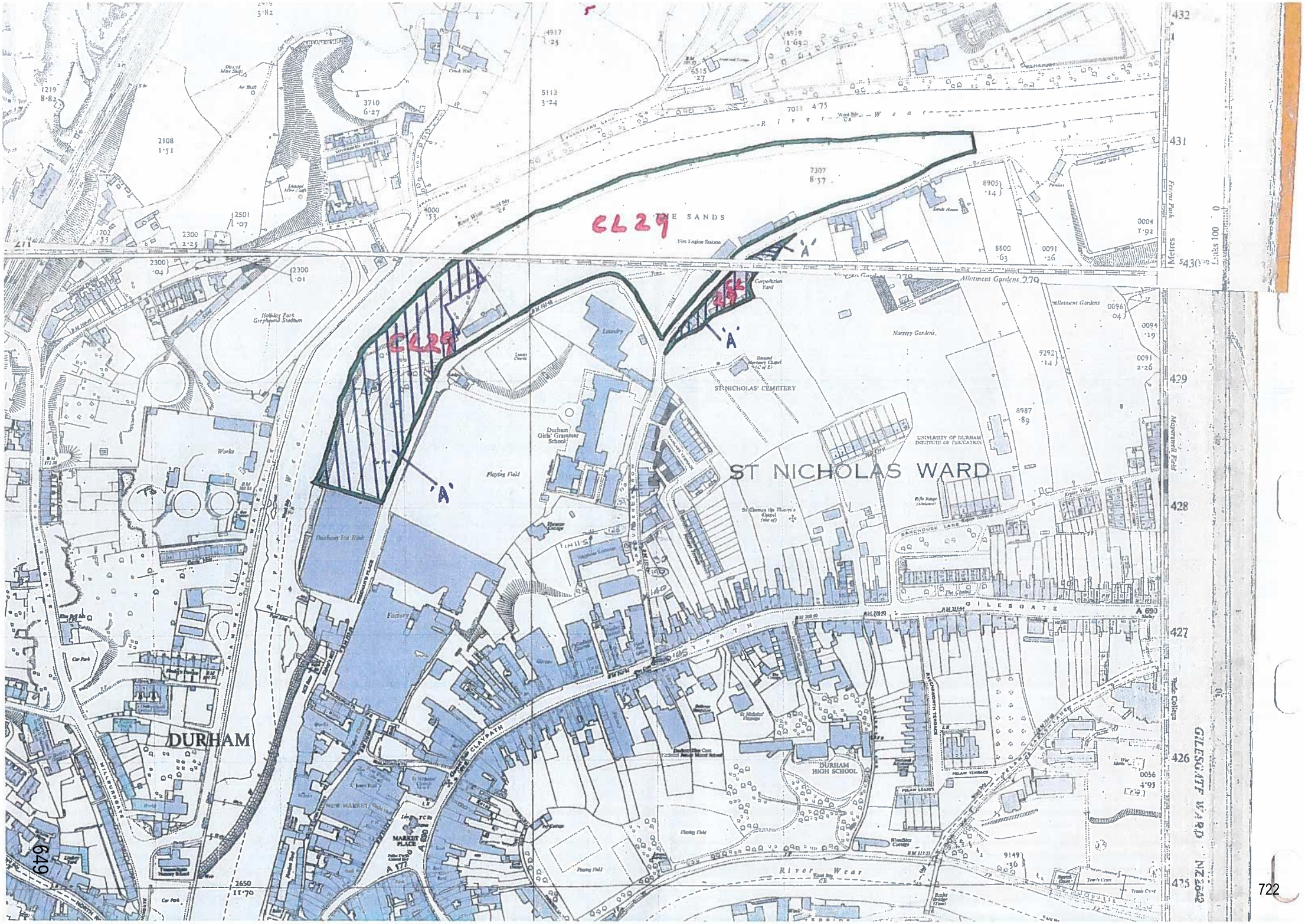
Edition No. 1

See Overleaf for Notes

OWNERSHIP SECTION—Sheet No. 1

1 *No. and date of entry*	2 *No. and date of application*	3 *Name and Address of person registered as owner*	4 *Particulars of the land to which the registration applies*
13 October 1986	—	The Council of the City of Durham Byland Lodge, Hawthorn Terrace, Durham	The land comprised in the land section of this Register Unit is registered in accordance with a direct made by A. A. Baden Fuller Commons Commissiener in pursuance of Section 8 (2) of the Commons Registrations Act 1965.

Demand 196391 3M Forms 2/74 AH(4S) (20) 275431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ST NICHOLAS WARD
DURHAM
ST NICHOLAS' CEMETERY
UNIVERSITY OF DURHAM INSTITUTE OF EDUCATION
DURHAM HIGH SCHOOL
Durham Girls' Grammar School
Playing Field
Works
Factory
Allotment Gardens
Nursery Gardens
Corporation Yard
Fire Engine Station
Hobley Park Greyhound Stadium
Durham Ice Rink
MARKET PLACE
NEW MARKET
GILESGATE
CLAYPATH
River Wear
GILESGATE WARD
Mayorswell Field
Ferens Park
Metres
Links 100
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Supporting Statement

Application under Section 16 Commons Act 2006 for Deregistration of part of Common Land at the Sands, Durham

Helen Lynch

Head of Legal and Democratic Services

Durham County Council

County Hall

Durham

DH1 5UL

Ref: NC/14195

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Supporting Statement

Application under s16 Commons Act 2006 for Deregistration of Common Land at The Sands, Durham

1 Introduction

1.1. This supporting statement has been prepared on behalf of Durham County Council and forms part of the Council's application under Section 16 of the Commons Act 2006 to deregister part of an area of Common Land at the Sands, Durham City. This release land is shown edged red on the Plan which appears at Appendix i. The Council is also the Commons Registration Authority.

1.2. The purpose of this application is to free up the Release Land for redevelopment in connection with a new HQ for the Council. It is anticipated that the Release Land will be used as a car park for the new HQ building and will also house a water storage tank for the building's sprinkler system. It is also of note that this application would regularize the use to which the Release Land has been put over many years which is unauthorised in common land terms.

1.3. The replacement land is to the East of the Rivergreen Centre, Aykley Heads and is shown edged light green on the Plan which appears at Appendix i. Both the Release Land and the Replacement Land are within the ownership of the Council.

1.4. The Council carried out a non-statutory, pre- application consultation exercise with all relevant stakeholders between 25 April and 6 June 2019. A summary of the consultation representations and the Council's response to these is contained in the Delegated report of the Head of Corporate Property and Land dated 20 August 2019 which is at Appendix ii.

2 The Site

2.1. The Release Land

2.1.1 The Release Land is within the Durham City Conservation area and is 1,675 m^2 (or 0.17 ha) in size, forming part of the wider Common Land at the Sands, which extends to 29,074 m^2 (or 2.91 ha) which is registered with the Commons Registration Authority, under reference CL29. It is in the ownership of the Council (as statutory successor to Durham City Council) and until very recently, has been in use as a Coach Park and had been for many years. A copy of the Common Land register for CL29 (land, rights & ownership sections) and accompanying register plan is attached at Appendix iii.

2.1.2 The Freemen of the Durham City have the benefit of grazing rights over the whole of CL29 which are set out in the Rights Section of the Register, namely for 20 cows, 50 sheep, 10 goats and 10 horses. However, since at least 1968, the Freemen have not been interested in exercising these grazing rights, have not exercised them and have instead only been interested in compensation for interference arising from fairs, circuses and events. A copy of their letter of 18 March 1968 to the Commons Registration Authority is attached at Appendix iv. In terms of compensation payable to the Freemen arising from such interference, it is understood that this has been paid on an ad hoc basis as and when events such as fairs and circuses are held, directly from the event organisers to the Freemen. The Council do not play any active role in this. It is also of note that pursuant to an agreement between the City Council and the Freemen dated 18 January 1995 (copy attached at Appendix v together with latest rent review dated 3 January 2018) compensation is paid to the Freemen for surrender of their rights under an earlier 1850 agreement (see paragraph 2.1.5) in respect of the Release Land. Accordingly, the Council has made a payment to the Freemen (currently £5920 pa) every year since. It is also of note that the Release Land had a building upon it from around 1960 which was not demolished until 1997 and the coach park was also constructed some time in the early 1990s. Accordingly, it has been quite impossible for the Freemen to exercise these rights over the Release Land for some considerable time. The remainder of CL29 (27,399 m^2 or 2.74 ha) is set to grass and is well used by members of the public for recreational purposes.

2.1.3 When the above grazing rights are transposed to the Release Land only (on a pro rata basis), this equates to 6 animals.

2.1.4 The full history and circumstances which resulted in the registration of CL29 are set out in Appendices vi – x but in essence, applications were made in 1968 and 1969 which resulted in provisional registrations which attracted objections. Accordingly, the Commons Commissioner held a public hearing/inquiry into these disputed registrations in July 1980 and issued three decisions on 25 July 1980, the gist of which was to confirm the registration of the Common Land, subject to modifications to exclude land owned by the City Council. The register therefore became final on 27 October 1980. Following that, there was a further decision by the Commons Commissioners on 14 May 1986 which recorded the City Council as the owner of the Common Land.

2.1.5 However, it is apparent that there is a much longer history to the Sands Common which predates the applications in the 1960s. Specifically, the Sands was recognized as Common Land by way of a Deed of Indenture between the City Council and the Freemen, dated 18 September 1850, a copy of which is attached as Appendix xi.

2.2. <u>The Replacement Land</u>

2.2.1 The Replacement Land is located at Aykley Heads, approximately 0.79km to the North of the Release Land. It is significantly larger than the Release Land, consisting of 18,371 m^2 (or 1.84 ha) of enclosed meadow land.

2.2.2 The Replacement Land is in the ownership and management of the Council (title no DU285400 is at Appendix xii) and was originally purchased as part of the area acquired for the Council's offices at County Hall. It is currently grassed with management consisting of an annual grass cut and has the appearance of an undulating meadow.

2.2.3 The Replacement Land is extremely accessible on foot from the Sands and elsewhere due to a network of permissive and public footpaths. There are permissive footpaths around the perimeter of the site and a permissive cycle route, but no permissive or public rights of way over the land which is fenced in. The only access which has taken place is a cross country running event, with the consent of the Council.

2.2.4 In planning terms, the Replacement Land is within the City of Durham Greenbelt and is also designated as part of the Area of High Landscape Value. It is recognized as an area of open space in the Council's Open Space Needs Assessment which is part of the

evidence base for the emerging replacement development plan for the County (the County Durham Plan).

2.2.5 The landscape character of the Replacement Land is open grassland.

2.2.6 In terms of ecology & nature conservation, the Replacement Land is moderate semi-improved grassland and does not enjoy any protected habitat designations or species. The trees and hedgerows on the edges of the Replacement Land are not protected.

2.2.7 The Replacement Land does not contain any known Archaeological assets. Nor does it contain any heritage assets.

3 The Legal Framework

3.1. Section 16 of the Commons Act 2006 enables the owner of common land to apply to PINS to extinguish the registration of the land (release land). Where the release land exceeds 200 square metres, then replacement land must be proposed by the applicant to be registered as common land in place of the release land.

3.2. Section 16(5) imposes two restrictions on the replacement land. Firstly, it must not already be common land and secondly the owner of the release land must also be the owner of the replacement land unless the owner is also a joint applicant.

3.3. An owner is defined by Section 61 as the person holding a legal estate in fee simple in respect of the land.

3.4. The form of application is prescribed by secondary legislation made under the 2006 Act, namely the Deregistration and Exchange of Common Land and Greens Procedure (England) Regulations 2007, which state at regulation 5 that an application must:

- Be made on a form provided by the Secretary of State, include all information specified on the form and signed by the applicant;
- Be accompanied by a map showing the boundary of the release land in red, the remainder of the common land of which the release land forms part in dark green and the replacement land in light green;

- Be accompanied by a copy of the commons register entry for the release land and the application fee of £4,900

3.5. Section 16 specifies the criteria to which the decision maker must have regard in determining an application as follows:

(a) The interests of the persons having rights over the release land;
(b) The interests of the neighbourhood;
(c) The public interest in:
    i) nature conservation;
    ii) conservation of the landscape;
    iii) protection of public rights of access;
    iv) protection of archaeological remains and historic features;
(d) Any other relevant matter

3.6. Guidance upon determination of S16 Applications is also provided in the Common Land Consents Policy, published by DEFRA, November 2015. The Secretary of State will consider whether the objectives motivating the application can be achieved within a predictable timeframe and what alternatives have been considered. In relation to replacement land, the primary objective is to ensure the adequacy of the replacement land; therefore relevant interests must be no worse off in consequence of the exchange than without it. An evaluation of the replacement land in terms of quality and quantity will be carried out. In particular, paragraphs 4 and 5 state that the following ought to be considered:

<u>The interests of persons having rights of common</u> – what effect will the proposals have on the ability of Commoners to exercise their rights and what alternatives have been explored that might reduce the impact on the Commoners? Would there be any financial loss to Commoners and if so what mitigation is proposed?

<u>The interests of the neighbourhood</u> – will the proposed replacement land be a positive benefit to the neighbourhood? Will the loss of the release land mean that local people will be prevented from using the Common in the way they are used to or interfere with future use of the Common as a whole?

The public interest – What effect will deregistration have on those wishing to use the Common for recreation & access and in the case of replacement land, is it already subject to some form of public access? If so, applications will not normally be granted because this would reduce the total stock of access land available to the public.

Are there nature conservation benefits? What will be the impact of the replacement land on nature conversation compared with the release land?

What will be the impact upon the landscape and will there be an adverse effect on the remaining part of the Common?

Will the proposals help to protect archaeological remains and features of historic interest?

How do the proposals fit into the historical context?

Any other matter – this may include the wider public interest, for example in relation to a major infrastructure project.

3.7. Regulation 17 of the 2007 Regulations imposes a duty upon an Inspector to give written reasons for a decision upon a S16 application.

3.8. Upon the grant of a Section 16 deregistration application, Section 17 obliges PINS to make an Order directing the Council, as Registration Authority, to remove the Release Land from the Register and to register the Replacement land in its place. All rights of common which were registered in respect of the Release Land are extinguished in respect of the Release Land and will then apply to the Replacement Land.

3.9. In terms of case law, there is one High Court case of note, namely R (on the application of Walton & Tadworth Residents' Association) v Secretary of State & others [2015] EWHC 972. In that case Walton Heath Golfclub had applied to deregister 8ha of common land within its ownership in order to use it as a practice ground and had offered up 9.8ha of replacement land, approximately 1.3km away. On balance the Inspector had concluded that the disadvantages of deregistration of the release land to some members of the public would be outweighed by the advantages to others and to the general public of deregistration of the release land and registration of the replacement land. Upon a judicial review challenge to this decision by the Residents' Association, the Judge said that the Inspector was entitled to reach the conclusions which he had on the merits and had not erred in law.

4 The Applicant's Case

4.1. It is the Council's case that the deregistration of the Release Land and the registration of the Replacement Land will leave the relevant statutory interests no worse off and will in fact result in a benefit to these. In terms of quantity, the Replacement Land is more than 10 times larger than the Release Land and in terms of quality, it is a substantial improvement over the Release Land. In the alternative, the benefits of the new Council HQ at the Sands are so significant that the public interest in securing these benefits outweighs any relevant harm arising from the loss of the Release Land as Common land.

4.2. Planning permission for the new HQ was granted on 1 April 2019 and the construction contract has been let to Kier Property Developments Limited. In terms of timescale for this development, it is anticipated that construction on the new HQ will start on 9 September 2019 and with the building being ready for occupation in September 2022. Demolition of the existing County Hall building will commence in 2022 with completion in 2024. The proposed strategic employment site on the existing County Hall site is therefore likely to come forward from 2024 onwards.

4.3. Alternatives to the new HQ location were considered and these are set out in Cabinet report on the Aykley Heads Strategic Employment site and DCC HQ options, dated 17 January 2018 which is at appendix xiii. In summary, two city centre locations were considered, one in Council ownership (the sands) and the other developer owned. As an alternative to deregistration, the Council initially considered a consent application under Section 38 of the Commons Act. However, that was not progressed when it became clear that the proposals went beyond the scope of the consent regime. A number of alternative replacement land sites were considered, and ultimately, discounted by the Council. These are set out in detail in the report of the Council's Head of Economic Development & Housing to the Corporate Director of Regeneration and Local Services, dated 24 April 2019 (Appendix xiv). However, briefly, 6 alternative replacement land sites were identified and considered.

4.4. <u>The impact upon the interests of the Commoners</u>

4.4.1 The Freemen of the City have the benefit of grazing rights over the Release Land. As the Release Land is required as a car park and also to site the water storage tank for the sprinkler system for the HQ building, there were no viable alternatives which would reduce

the impact on the exercise of the Freemen's grazing rights. The Replacement land is grass meadow and is therefore both ideal grazing land and of a size (18,371 m^2 or 1.84 ha) which is capable of comfortably sustaining grazing of 6 animals (cows, sheep, goats and horses). Whilst the register entry refers to 90 animals in total, that is in respect of the whole of the common land which is 29,074 m^2 (or 2.91 ha). The release land is only 1,675 m^2 (or 0.17 ha). It is therefore considered that it is reasonable to pro-rata the quantity of the grazing rights to reflect this. Furthermore, there will remain 27,399 m^2 (or 2.74 ha) of Common Land at the Sands for grazing of animals. It is also of note that the Freemen have not, since at least 1968, sought to exercise these rights on the Release Land and have instead been content with compensation. Fairs and circuses etc. have not been held on the Release Land and therefore this application will not affect the level of compensation paid to the Freemen for disturbance from fairs and circuses etc. which will continue to be held on the remainder of the Sands Common. It is unclear whether the 1995 agreement for the Release Land will survive a successful deregistration of the Release Land. However, as in the past, the Council will strive to reach an agreed position with the Freemen in this regard. The Release Land has also been occupied for many years by a coach park which has made it quite impossible for such rights to be exercised. The prospect of grazing of the Replacement Land is therefore something of a fiction, although paragraph 5.5 of the guidance is noted in this respect. Whilst the Police, the owners of the nearby Rivergreen Centre & Sunderland Mutual Marine Insurance offices have the benefit of easements over the Replacement Land for connection into services, not only will such rights not conflict with the use of the Replacement Land by the Freemen and the public, there will be no financial loss to these third party rights holders.

4.3.2 In the circumstances, it is submitted that the Commoners will be no worse off than at present, by the deregistration of the Release Land and registration of the Replacement Land, to which their rights of common will apply. Equally, their party rights holders would not be adversely affected.

4.4 <u>The impact upon the interest of the Neighbourhood</u>

4.4.1 Whilst 'neighbourhood' is not defined in the legislation, the Walton Health Golf Club case (referred to at paragraph 3.9) makes it clear that it refers to local inhabitants. It is considered that in terms of public recreational use and access, the Release Land and the Replacement Land may largely serve different neighbourhoods. This is predominantly

because the Replacement Land is a distance of 0.79 km away from the Release Land (in a straight line).

4.4.2 It is unlikely that the Release Land is in recreational use by the public given its use as an operational coach park over many years. However, to the extent that the public have used it then it is likely to be for walking. It is therefore acknowledged that some members of the public who may use the Release Land will find it less convenient to travel to the Replacement Land to access it. Some will find it equally as convenient and others (those who live or work closer to the Replacement Land than the Release Land) will find it more convenient.

4.4.3 On balance, it is submitted that the Replacement Land will not be less convenient for the public to access and use than the Release Land

4.4.4 The Replacement Land is substantially larger than the Release Land and is not currently open to public access so it is considered that there will be betterment in terms of quantity of land available for public use. Also, there will remain 27,399 m^2 (or 2.74 ha) of Common land at the Sands if the Release Land is deregistered so it is considered that there is more than enough remaining Common land within CL29 to satisfy public demand for use. It must also be remembered that the Release Land has been in use as an operational coach park over many years so opportunities for public access and recreational use have been extremely limited, although the guidance at paragraph 5.5 of the DEFRA guidance document is noted.

4.5 <u>The Public Interest.</u>

<u>i) Nature Conservation</u>

4.5.1 The Replacement Land is a meadow given over to grass. It has no habitat or wildlife designation and contains no protected species. Public use will not impact upon the population of Great Crested Newts which are offsite and will not have any adverse impact on the hedgerows or trees on the edges/borders of the site.

4.5.2 Opening the Replacement Land up to public recreational use and grazing is considered likely to have some adverse impacts upon the habitat of the Replacement Land and upon breeding birds during the relevant season. However, the Council's ecologist is confident

that impacts can be mitigated sufficiently through appropriate signage and provision of a single access point. This is set out in ecological statement from the Council's Principal Ecologist dated 19 October 2018. Furthermore, it is considered extremely unlikely that the Commoners will seek to graze the Replacement Land. Accordingly, it is not considered that public recreation and access will lead to an unacceptable degradation of the ecological credentials of the Replacement Land. An initial ecological assessment of the Replacement Land and other sites dated 20 August 2018 along with a more detailed ecological statement from the Council's Principal Ecologist, dated 19 October 2018 are at Appendix xv.

4.5.3 Given the current use of the Replacement Land, it contains no habitats or features of ecological value or protection and nor will its loss have any impact upon the integrity of the remaining Common land in nature conservation terms. Accordingly, the Replacement Land will constitute an improvement in biodiversity and nature conservation over the Release Land.

ii) Landscape impact

4.5.4 The Replacement Land is within the Durham City Greenbelt and an Area of High Landscape Value. The key landscape characteristic of the Replacement Land is open grassland.

4.5.5 The landscape and visual impact of use of the Replacement Land as Common would be neutral. Deregistration, of itself, will not give rise to any adverse landscape and visual impacts on the Release Land. However, as the Release Land will be used as a car park and also for siting of the water storage tank for the sprinkler system in the new HQ building, the landscape impact of that development upon the Release Land would be moderate (adverse) during and immediately after the development phase, falling progressively to neutral over time (10 years) with the maturing of replacement planting which to be provided as part of the HQ development. The new HQ building itself will not encroach into the Release Land.

4.5.6 The use of the Replacement Land for public access and recreation would not give rise to any landscape or visual harm (as confirmed by the Council's Landscape Officer at Appendix xvi) and would be entirely in accordance with the Greenbelt and AHLV designation, as well as the OSNA evidence base classification as accessible natural

green space. The Council's Planning Officer has confirmed this in his email of 3 October 2018, at Appendix xvii. Equally, the loss of Common Land status of the Release Land will not adversely impact upon the enjoyment by the public or the Freemen of the remaining part of the Sands Common.

iii) Public access impacts

4.5.7 The loss of common land status of the Release Land will have no impact upon recreational use of, or access to, the remainder of the Sands Common. Neither the Release Land or the Replacement Land contains any public rights of way. Public access to both is well served by a network of public and permissive rights of way. The Council's Rights of Way Officer does not consider that the application would result in any adverse impact upon the public rights of way network (see email of 16 August 2018 at Appendix xviii).

iv) Archaeology & Heritage impacts

4.5.8 The Replacement Land contains no known Archaeological remains or heritage assets. The Release Land contains no known archaeology but it is in close proximity to areas where archaeological remains are known to exist. It is also within the Durham City Conservation Area and in close proximity (450m) to the UNESCO World Heritage Site. However, it is not considered that the deregistration of the Release Land will in itself result in any disturbance of archaeological remains or any impact upon heritage assets. The Council relies upon the views of its Archaeology Officer dated 4 October 2018 (Appendix xix) and its Heritage Officer, dated 8 October 2018 (Appendix xx). Accordingly, the deregistration of the Release Land and registration of the Replacement Land would not result in any archaeological or heritage impacts.

4.6 Other relevant matters

4.6.1 The deregistration of the Release Land is required to facilitate the construction of a new Council HQ building at the Sands. This is considered to be a significant relevant consideration. In particular the new HQ will bring about substantial socio-economic benefits to the City Centre, both during the construction phase and also longer term spend from employees and visitors to the building who are likely to take advantage of the City Centre retail offer. The new HQ will in turn free up the existing County Hall site at Aykley

Heads for a strategic employment use with an estimated creation of 6,000 jobs. The relevant anticipated timescales are set out in paragraph 4.2

4.6.2 It is submitted that the benefits of the new Council HQ will far outweigh any negative impacts upon the Replacement Land or Release Land of deregistration.

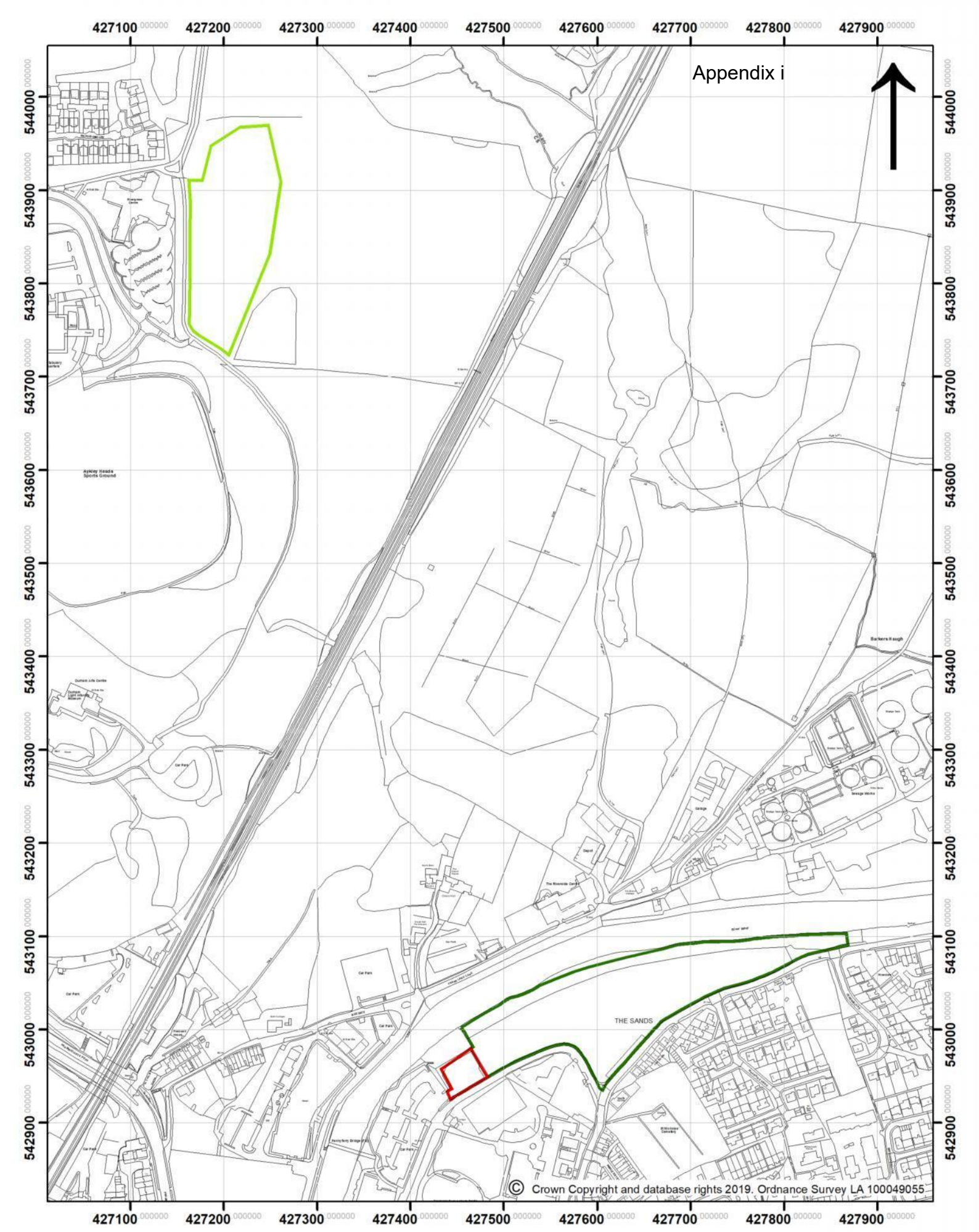
5 Conclusion

5.1. The Council has demonstrated that it has considered all viable options and alternatives and the deregistration of the Release Land and registration of the Replacement Land is the best option. There is likely to be betterment with regard to the statutory interests, there being no adverse impacts on the Commoners, third party interests, the Neighbourhood or environment in terms of nature conservation, landscape, PROW, Archaeology, Heritage or PROW. The Replacement Land represents an enhancement over the Release Land both qualitatively and quantitatively. In any event, the significant benefits of the new HQ which the deregistration of the Release Land will bring significantly and demonstrably outweigh any identified harm.

5.2. Accordingly, the Inspector is invited to grant the application under Section 16 of the Act and make an Order under Section 17 of the Act requiring cancellation of the entries in CL29 relating to the Release Land and the registration in the Register of the Replacement Land.

Appendices

i. Plan showing the Release Land (edged red) and Replacement Land (edged light green)
ii. Delegated report of the Head of Corporate Property and Land dated 20 August 2019
iii. A copy of the Common Land register for CL29 and accompanying register plan
iv. Letter of 18 March 1968 to the Commons Registration Authority
v. Agreement between the Freemen and the Council dated 18 January 1995
vi. Application for Registration of right of common & plan dated 29 February 1968
vii. Application for Registration of common land dated 8 November 1969
viii. Decisions 1,2 & 3 of the Commons Commissioner dated 25 July 1980
ix. Notice of final registration dated 1 May 1981
x. Decision of the Commons Commissioner dated 14 May 1986
xi. Deed of Indenture between the City Council and the Freemen, dated 18 September1850
xii. Title to the Replacement Land
xiii. Cabinet Report on the Aykley Heads Strategic Employment Site and DCC HQ options dated 17 January 2018
xiv. Report of the Council's Head of Economic Development & Housing to the Corporate Director of Regeneration and Local Services dated 24 April 2019
xv. Initial ecological assessment of the Replacement Land and other sites dated 20 August 2018 and ecological statement from the Council's Principal Ecologist, dated 19 October 2018
xvi. Council's Landscape Officer comments
xvii. Planning Officer comments
xviii. Public Rights of Way Officer comments
xix. Archaeology Officer comments
xx. Heritage Officer comments



0 50 100 200 Metres

Overview Plan (Plan 1)

Date 20/08/2019 **Scale** 1:5,000

Release land (1,675 m2)

Replacement land (18,371 m2)

Common Land (27,399 m2)

Durham County Council

eREF No.1.

DECISION RECORD

Please complete all sections

DECISION MAKER (NAME AND JOB TITLE)	AUTHORITY BY REFERENCE TO SCHEME OF DELEGATION/ COMMITTEE REPORT
Susan Robinson Head of Corporate Property and Land	Table 6 bullet point 18

SUBJECT

Submission on an application under Section 16 of the Commons Act 2006 for the deregistration of an area of Common Land at the Sands

DECISION

To submit an application to deregister 0.17 hectares of Common Land at The Sands and replace with an area of 1.84 hectares at land East of the Rivergreen Centre, Aykley Heads.

ELECTORAL DIVISION/S

Elvet and Gilesgate
Neville's Cross

CONSULTATION – CABINET PORTFOLIO HOLDER, OTHER MEMBERS & DATE

Portfolio holder and Lead Member – 24th January 2019
Ward Members – 24th April 2019

RECORD OF ANY CONFLICT OF INTEREST DECLARED BY AN EXECUTIVE MEMBER

N/A

NOTES

1. The reference No. will be assigned by Democratic Services.
2. The relevant paragraph within the decision makers delegated powers should be identified, or if a specific express authorisation of Council, Cabinet, or a Committee which delegated this to an officer provide the date, and report.
3. A brief heading should be inserted.
4. Brief details of the decision should be inserted. This note must set out the substance of the decisions, options considered and the reasons for the chosen option. Take care not to divulge any commercially sensitive information. If it's a Key Decision insert the No.
5. List the electoral division/s that will be affected by the decision
6. Set out the consultation you have undertaken with Cabinet portfolio holder and others.
7. See Guidance "Consultation with Portfolio Holder".

A NOTE OF DISPENSATION GRANTED BY THE HEAD OF PAID SERVICE IN RELATION TO THE ABOVE CONFLICT

Not Applicable

ACCESS TO THE REPORT

Is the report open to the public (Part A) Yes
Is the report exempt (Part B) – if so please specify the exemption paragraph and the reason for exemption applying the Public Interest Test No

CONTACT PERSON	**CONTACT NO.**
Peter Howson	03000 267482

AUTHORISED SIGNATORY	**DATE**
S Pearson	20th Aug 2019

This form must be sent electronically to delegations@durham.gov.uk within 24 hours of the decision being made.

NOTES

8. See Guidance "Consultation with Portfolio Holder".
9. Please refer to the Access to Information Requirements that came into force from 1 March 2006 and the internal guidance that has been issued in this respect.
10. Person authorised to make the decision. When sent to democratic services, this will be an electronic signature.
11. Enter the date the decision was made.

Delegated Decision

REGENERATION AND LOCAL SERVICES

20 August 2019

Submission of an application under Section 16 of the Commons Act 2006 for the deregistration of an area of Common Land at the Sands

Ordinary Decision No.:

Report of: Corporate Property and Land

Susan Robinson, Head of corporate Property and Land

Electoral division affected:

Elvet and Gilesgate

Neville's Cross

Purpose of the Report

1. To authorise the submission of an application under section 16 of the Commons Act 2006 to deregister an area of Common Land at The Sands and register the replacement land to the east of Rivergreen, Aykley Heads as Common Land.

2. It is anticipated that the application will be submitted on 20 August 2019.

Executive summary

3. Durham County Council is proposing to submit an application under Section 16 of the Commons Act 2006 to extinguish the common land status of a small area at The Sands in Durham City which, until very recently, has been used as a coach park for many years (referred to as the 'release land'). The release land forms part of the overall common land at The Sands which extends to 2.91ha. It is proposed to replace this with a larger area to the east of the Rivergreen Centre (the 'replacement land'), currently in use as meadowland. Both the release land and replacement land are identified on the plans below as **Appendix 2**.

4. The release land has been used as a car park and more latterly as a coach park since the mid-1990s. Immediately, prior to this it was a car park with a building on the land, used by the Royal Observer Corps. Planning permission was granted in February 2019 to relocate the coach park to Belmont Park and Ride.

5. The replacement land is more than ten times the size of the release land, (1.84ha compared with 0.17ha) and equivalent to the size of almost two football pitches. An options appraisal was undertaken in August 2018 to identify this area as the most suitable replacement land.

6. The replacement land is required to be within the vicinity of the release land and to be suitable for grazing animals. On this basis, the council considered other options for the replacement land, but following review, the land to the east of the Rivergreen Centre was identified as the most suitable,

due to its proximity to the release land and the fact that it is meadowland. Both the release land and replacement land are owned by the Council.

7. Before submitting the formal application under Section 16 of the Commons Act 2006, the County Council has undertaken an informal consultation exercise with the organisations who are required to be consulted at the formal application stage, adjoining landowners and local ward councillors for the release land and replacement land.

Recommendation

8. Pursuant to bullet point 18 of Table 6 to Part 3 of the Council's Constitution, to authorise the submission of an application under section 16 of the Commons Act 2006 to deregister 0.17 hectares of Common Land at The Sands and replace it with an area of 1.84 hectares at land East of the Rivergreen Centre, Aykley Heads and to instruct the Head of Legal and Democratic Services to attend to the formalities of submission and to all legal publicity requirements.

Background

9. An area of 2.91 hectares of land at the Sands Durham City is registered as Common Land. The register records the rights of the Freemen of the City of Durham to graze their animals on the land. The release land is a small part of this common land amounting to 0.17 hectares which has been used as a car and coach park for many years. Prior to the current use, the land contained a building and car park occupied by the Royal Observer Corps from before 1960 until demolition in 1997. However, as far back as 1850, the release land was acknowledged to be common land. The proposed deregistration application relates to the release land only. The remainder of the Common Land would not be affected. The Release Land is in the ownership of the Council (as statutory successor to Durham City Council).

10. The existing coach park use of the Release Land is unauthorised in Common Land terms which is an historic issue inherited by the Council from the former City of Durham Council. This situation was established during investigations for the proposed new Council HQ at the Sands. Accordingly, the Council needs to make a deregistration application to both address this anomaly and because possession of the Release Land without the restrictions imposed by registration as Common Land is required for construction of a new car park for the proposed new Council headquarters which it intends to construct on the adjoining land.

11. The Council has identified an area of land which can be offered as "Replacement Land". The proposed Replacement Land is located to the East of the Rivergreen Centre at Aykley Heads, approximately 0.79km to the North of the Release Land. It is significantly larger than the Release Land, consisting of 1.84 ha of enclosed meadow land. The Replacement Land is in the ownership and management of the Council and was originally purchased as part of the area acquired for the Council's offices at County Hall. It is currently grassed with management consisting of an annual grass cut and has the appearance of an undulating meadow.

12. The proposed Replacement Land is extremely accessible on foot from the Sands and elsewhere due to a network of permissive and public footpaths. There are permissive footpaths around the perimeter of the site and a permissive cycle route, but no permissive or public rights of way over the replacement land itself which is enclosed with a post and wire fence. The only access which has taken place is a cross country running event, with the consent of the Council.

13. In planning terms, the proposed Replacement Land is within the City of Durham Greenbelt and is also designated as part of the Area of High Landscape Value. It is recognized as an area of open space in the Council's Open Space Needs Assessment which is part of the evidence base for the emerging replacement development plan for the County (the County Durham Plan).

14. The key characteristics of the proposed Replacement Land are as follows:

- Landscape – open grassland;
- Ecology & nature conservation - moderate semi-improved grassland which does not have any protected habitat designations;
- The trees and hedgerows on the edges/boundaries are not protected;
- Archaeological or heritage assets - none contained.

Member Consultation undertaken

15. Before the commencement of the informal consultation exercise, the portfolio holders for Economic Regeneration and for Strategic Housing and Assets respectively were consulted. They were generally in support of the proposed deregistration application and they have suggested the use of interpretation boards on the replacement land, should the application be successful.

16. The four local members, two for the release land and two for the replacement land were consulted prior to the informal consultation exercise and again as part of that exercise. Three of the members did not make any consultation response and the comments by the remaining member (councillor for the Release land) have been summarised as part of **Appendix 3**.

Informal Consultation

17. The consultation with the Council members was completed before the informal consultation exercise was undertaken. An informal written consultation exercise was undertaken with relevant stakeholders between 25 April and 6 June 2019. This non-statutory consultation exercise was considered as good practice as the consultation responses would be used to inform the final decision on whether to submit the application.

18. This was a voluntary, non-statutory, consultation exercise and the consultees were consistent with legislative guidance and included (inter alia) the Freeman of the City of Durham, City of Durham Parish Council, Local Access Forum, Open Spaces Society as well adjoining owners and other interested parties.

Summary of Consultation Representations

19. The Consultation period lasted from the 25th April to the 6th June and a total of 22 organisations and individuals were consulted. Background information was supplied to all the consultees on the reasons for the proposed deregistration and plans which identified the Release and Replacement Land.

20. There was a total of 8 responses received from the informal consultees representing a return of 36%. All of the consultation responses have been summarised and included at **Appendix 3**.

21. The City of Durham Parish Council and Freemen of the City Durham advised that they objected to the proposal although chose not to set out the full extent of their objections at this informal consultation stage.

22. There were also 7 consultation responses from members of the public who had not been directly consulted by the Council. These consultation responses have also been summarised and included in **Appendix 3**. There was two Social Media posts and two articles in the Northern Echo each of which included a short statement by the Council.

23. There was an extensive range of objections to the proposal and the most commonly raised objections in relation to the Release Land were:

- Should be returned to natural state;
- Easily accessible and used daily by local residents;
- Surrounding trees counteract pollution;
- Natural defence against flooding;
- Important site for wildlife.

24. In respect of the Replacement Land objections included.

- Not as accessible as the Release Land;
- Not open land due to ground nesting birds;
- Important site for wildlife;

- Too far away.

Response to Representations

Ecology & wildlife

25. In terms of the replacement land, the Council's Ecologist was consulted during the site selection process undertaken in August 2018 and did not consider that ground nesting birds would be a bar to designation as Common Land. The birds are only present on the site during the breeding season and dogs in the vicinity of the land would need to be kept under control. For the majority of the year they would not be on the site.

26. There was also reference from the consultees to newts being present on the replacement land. The view of the Council's Ecologist is that the presence of newts would be difficult to establish with certainty and as the character and nature of the land would remain unaltered, the designation as Common Land would not have any effect on any newts which may be present.

27. In terms of the release land, it is of note that this is largely covered by tarmac so it is not considered that it is a site which is important for wildlife or has any significant ecology value.

Natural state

28. Some consultees considered that the release land should be returned to a condition which is more suitable to its status as common land. Whilst it is acknowledged that the current use and hard surfacing of the release land is to some extent incompatible with its common land status, this is in part the reason for pursuing the proposed deregistration application. Accordingly, the Council does not consider that it is appropriate to return the site to it's pre 1960 condition.

Accessibility

29. Some consultees thought that the replacement land was too inaccessible to be reasonably beneficial or usable by the public. However, it is of note that the replacement land is served by a network of formal and informal rights of way so it is not accepted that it is inaccessible. Also reference was made the ease with which the release land is accessible and to daily use by the public. It is of note that the release land is currently in operation as a coach park so it is not accepted that it can be in daily use by local residents as such use would be in direct conflict with a functioning coach park. It is also of note that immediately adjoining the release land is the remainder of the sand common land (approx. 2.74 ha) which is grassed and therefore suitable and available for public use.

Distance

30. A recurring theme throughout the consultation representations was that the replacement land is too far away from the release land to be practical for use by those who would wish to use the release land. Whilst it is accepted that the replacement land is 0.79km away from the release land, it is of note that there is no prescribed maximum distance in the legislation and it is considered that this distance is not so great that the replacement land will not be of practical benefit to the public who wish to use it. It is likely that it will be more convenient than the release land for some and less convenient for others.

Pollution & flooding

31. It is not accepted that the release land serves any significant function in terms of pollution mitigation. The deregistration process will not have any impact upon pollution levels as there will be no physical change to the environment in question. In addition, in respect of the proposed HQ development, there is a mitigation strategy in place for addressing any loss of trees and therefore any impact upon pollution.

32. In terms of flood attenuation, again the Deregistration process does not impact upon potential flood issues as there will be no physical change to the environment in question. With respect to the future HQ development, during the planning process there was extensive dialogue with the Environment Agency to ensure that the proposals were extensively modelled to demonstrate that any such proposals would be in line with their stringent technical standards. Voids will be constructed under the building to act as attenuation measures in the event of a flood. This will assist in controlling any such flood waters through limiting any increased displacement to the wider area. The proposals were reviewed in detail and signed off by the Environment Agency.

Other matters

33. Two of the consultees referred to a report prepared by a barrister for the City of Durham Council which sets out the background to the designation of the Common Land at the Sands. Requests have been made to the consultees for a copy of this report but to date this has not been forthcoming Equally, Council records have been interrogated and contact made with the Barrister in question, but it has not proved possible to locate this document.

Conclusion

34. The Council's case for deregistration of the release land and the registration of the replacement land is that it will leave the relevant statutory interests no worse off and will in fact result in a benefit to these as the character and nature of both sites will remain unaltered. In terms of quantity, the replacement land is over 10 times larger than the release land and in terms of quality, it is a substantial improvement over the release land.

35. The responses received did not identify any issues or concerns of significance which were not already known or understood by the County Council and it is not considered that anything which has come out of the informal consultation exercise would preclude the application which is considered to have reasonable prospects of success. Expert legal advice has been sought from a Barrister, who agrees. Privilege is not waived as to this advice.

Recommended Decision

36. Pursuant to delegated powers in bullet point 18 of Table 6 to Part 3 of the Council's Constitution, to authorise the submission of an application under section 16 of the Commons Act 2006 to deregister 0.17 hectares of land at The Sands currently registered as Common Land (the Release Land) and to replace it with an area of 1.84 hectares of land East of the Rivergreen Centre, Aykley Heads (the Replacement Land) and to instruct the Head of Legal and Democratic Services to attend to the formalities of submission and to undertake all necessary publicity requirements of the legislation

Contact: Peter Howson, Accommodation Strategy Officer Tel: 03000 267482

Appendix 1: Implications

Legal Implications:

The Council will be following a procedure laid down in Section 16 of the Commons Act 2006 and secondary legislation made under that Act.

Finance

The application will be made to the Secretary of State. In the event of objections to the application being received, it is likely that the SoS will arrange for a Public Inquiry to be held before reaching a decision. Expert Counsel will need to be appointed for such an Inquiry and a budget established to address these and other costs associated with pursuing the S16 application.

Consultation

Local Members for the release land and replacement land were advised of the proposed application process.

The Council undertook an extensive informal consultation exercise on the proposed submission of the application and this included: The Freemen of the City of Durham, Durham Parish Council, Historic England Natural England, The Open Spaces Society, representatives of Ramblers and two Residents Association for the area, Lead Members and ward Councillors for the release land and replacement land.

Equality and Diversity / Public Sector Equality Duty

The Council has a duty under Section 149 of the Equality Act 2010 when exercising its functions to have regard to the need to (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council has considered its public sector equality duty in the context of this proposed application and having had due regard to all relevant factors, and in particular the conclusions at paragraph 35 of this report, it is not considered that the proposed application under Section 16 of the Commons Act 2006 would breach the Council's public sector equality duty.

Human Rights

The procedures under the Commons Act 2006 protect the interests of those with rights over the Common Land. The consultation process affords interested parties with an opportunity to make representations prior to the final decision on whether to submit the application.

Crime and Disorder

None.

Staffing

The proposal is necessary to support the development of the new HQ.

Accommodation

There are no Council buildings involved in the release and replacement of the Common land in Durham City. The proposal relates to two areas of open land which are within the ownership of the County Council.

Risk

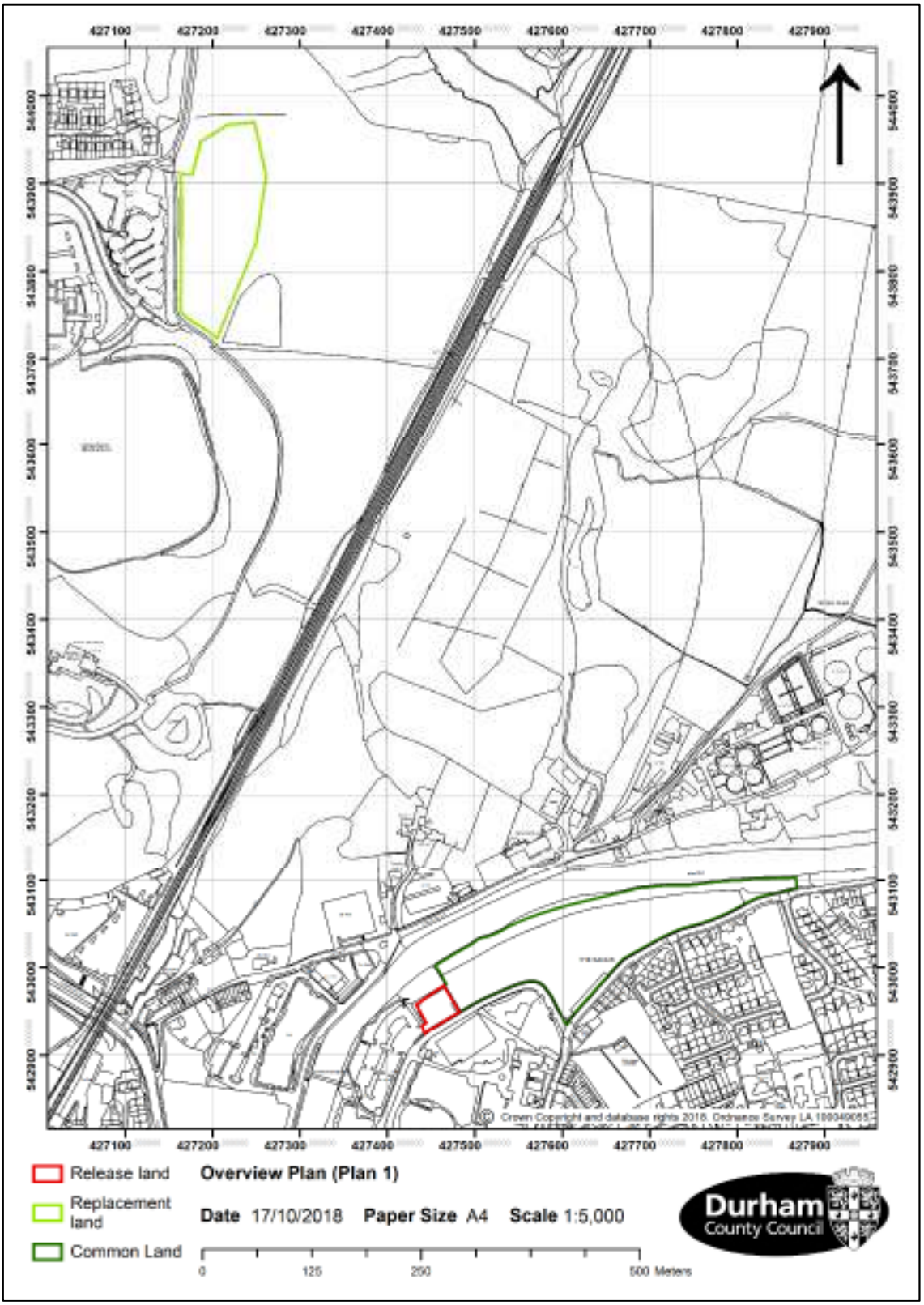
A formal Application to deregister Common Land follows a statutory process and is likely to result in a Public Inquiry. In the event that the application is unsuccessful, that could potentially impact on the overall programme for the replacement HQ at the Sands.

Procurement

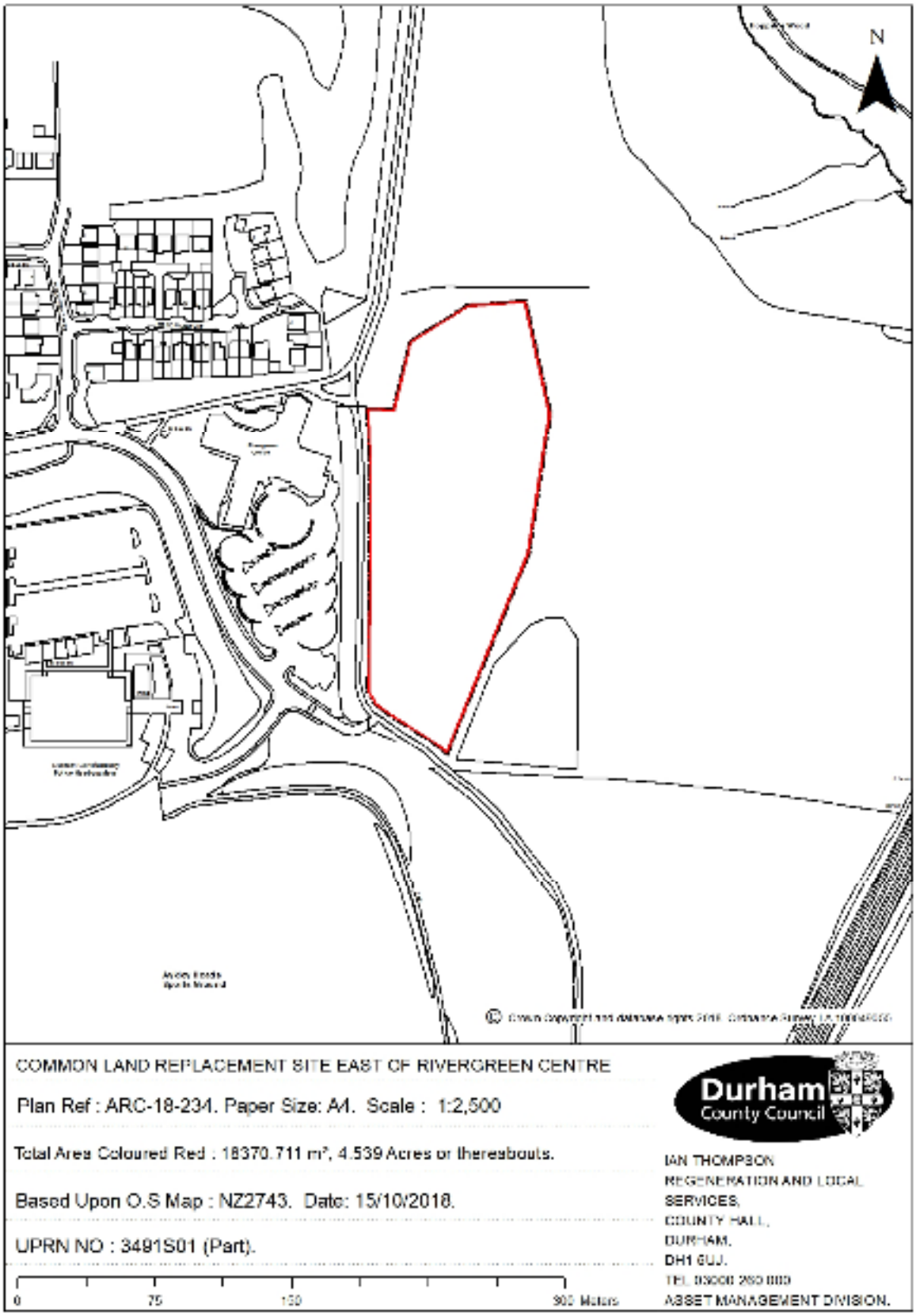
Specialist Counsel has been engaged on the basis of having previously advised on the status of the site.

APPENDIX 2

Plan 1: Release and Replacement Land



Plan 2: Replacement Land



APPENDIX 3

Summary of objections received

Similar opposing comments Supportive comments

From	Email received	Objections- Official Consultees
Responses and objections received from Informal Consultees		
Natural England	25/04/2019	Whether the replacement land serves the community.
Open Space Society- Ellen Froggatt/Hugh Craddock	25/04/2019	The public have nothing to gain from such an exchange. Land should be returned as use as Common Land. Our expectations would be to oppose an application made under S.16 on the basis that there is insufficient public benefit.
Janet George- St Nicholas Community Forum	25/04/2019	Integral part of the whole Common Land and should be returned to its natural state. Inaccurately stated information on the consultation. Not in keeping with the laws relating to Common Land. This land is important to residents, locals and visitors. Purposely misleading statement. Used by residents on a daily basis as a right or way, members of the public have rights of access to The Sands. Surrounding mature trees which counteract pollution and act as a natural defence against flooding, important site for wildlife, important bat corridor, important for nesting birds. Will restrict public access of this space which is still part of the Common Land and should be available for that purpose. The substitution offered more than two miles away is highly unsatisfactory, the choice of the land you offer is not useful to DCC for any development purpose.

City of Durham Civil Parish	02/06/2019	Agreed to oppose the permanent loss, which should be used for public enjoyment and recreation without impediment. The people using the Sands do so because it is within walking distance and is adjacent to the City Centre. Rivergreen Centre would take locals over 30 minutes to walk to and is an area already open.
Cllr David Freeman	22/05/2019	Should be returned to its natural state, used as a local amenity by the community. Very important to residents and is used daily. Removal of this part of the Common Land will stop the site being used for leisure/recreation purposes. Mature trees which are invaluable to the overall environment of The Sands.
Gilesgate Residents Association	30/05/2019	Releasing the Common Land is wholly inappropriate, and strongly opposed of a green space. Provides a vital carbon sink, helping to mitigate air pollution. The purpose of Common Land for exercise and recreation is an important one, present land with native grassland reinstated. This is a central area, easily accessible and can be accessed by those with minor disabilities. Replacement land, referred to as "shabby bribe" is 2-3 miles by public footpath, from the existing site, and does not have the same amenity. The replacement land is a wild scrubland, much less accessible, the nearest reserve is a nesting site for birds and is a habitat for Great Crested Newts – both of which make it incompatible with a designation of Common Land for public amenity. As a flood plain, the Common Land has an important function, accepting water egress to protect other lands in Durham City. We fundamentally opposed requests by appropriate green land.
Durham Freeman	05/06/2019	Seek an explanation for the basis of this claims and evidence of your assertion that the former ROC site was used as a car park. The Freeman deem the replacement land under the proposal completely unsuitable, the proposal is disadvantageous both to the Freeman and to other residents of Durham. Freeman reject this proposal and will advance their detailed arguments to the appropriate Inspector.

Local Access Forum	06/06/2019	The LAF considers that the proposal has some benefits in terms of providing access for the public to a much greater area of land. The Sands, which in any event is incapable of supporting those Common Land rights. The distance away of the proposed replacement land from the remaining Common Land and whether this is "reasonable".

From	Email received	Objections- None Consultees
Other responses and objections received		
Mr Findley	16/05/2019	I have used my rights on the Sands area since moving to live in Durham City. The Common Land is 200 metres from where I live and I wish to retain my rights, to offer Common Land for my right approx. 3 miles from where I live at Rivergreen is no use at all to me.
Gillian Smellie	16/05/2019	Deregistering land know as the Coach Park which is an integral part of the whole Common Land and should be returned to its natural state to be used as a local amenity. St Nicholas Community Forum strongly object to Durham County Council, this area is part of the whole Common, recorded since 1850 and should have been returned to its original state. Common Land being place to graze sheep, take peat, wood and fish or let pigs to eat acorns are purposely misleading. Coach Park has the function of bringing visitors, locals and residents, use that place for leisure/recreation and taking the air. It is used by locals; the public have rights of access to The Sands being Common Land. Surrounding mature trees have the important functions of counteracting increasing air pollution and act as a natural defence against flooding, important site for wildlife, notably acting as an important bat corridor and a place for nesting birds. BY DCC assimilating this area further into their permanent plans they will restrict public access of this space which is still part of the Common Land and should be available for that purpose. The substitution offered is more that two miles away is highly unsatisfactory. The Sands is used because is within walking distance. To reach the land east of Rivergreen would take locals over 30 minutes, this is too far away.

Vivian Kent	17/05/2019	This land is an integral part of the whole Common Land and should be returned to its natural state to be used as a local amenity rather than 'eaten up' by development. This land is important to residents, locals and visitors and used Countryside and Rights of Way Act 2000, the public have the right to walk and run on it. The surrounding mature trees fulfil important functions with regarding to counteracting air pollution and act as a natural defence against flooding. They are also an important and valuable habitat for wildlife, notably acting as an important bat corridor and a place for nesting birds. The land at the Rivergreen Centre, is entirely unsuitable as it is two miles away, nor does it provide additional open space as it is already a wildlife reserve.
Elaine Denby	17/05/2019	I strongly object to this proposal. This land offers a safer place to walk than the narrow road. The land has the function of bringing visitors, who use that place for leisure/ recreation and taking the air. The surrounding mature trees provide protection against increasing air pollution and act as a natural defence against flooding. Alternative site not in close proximity, the importance of this Common Land – it is an integral part of the larger Sands area. Locals and residents need this open space to remain close to them.
Michael Watson	20/05/2019	I am most certainly opposed to the deregulation of part of The Sands Common Land, called the Coach Park. The land is an integral part of the whole Common and should be returned to its natural state to be used as local amenity. Your assertion has accidentally been categorised as Common and a basis for the seeking of deregistration is completely incorrect. Barrister's report 22 March 2004 in no way mentions the 'coach park'. Durham County Council did not apply legally for a change of use to a coach park with DEFRA is not in keeping with the laws relating to Common Land, should be returned to its original state. I strongly object to annex this parcel form the whole Common Land and assimilate for a dedicated Council staff car park. This land is important to residents, locals and visitors and used every day by them. Your comments regarding the Common being a place to graze sheep, take peat, wood and fish pigs eat acorns are purposely misleading.

		Present 'coach park' has the function of bringing visitors, local residents and school children form the Sixth Form College as a right of way on a daily basis and serves a safer place to walk than the narrow road. Surrounding mature trees fulfil an important function of counteracting increasing air pollution and act as an important bat corridor and a place for nesting birds. Part of the Common Land has been and is still used daily by people for the purpose of air and exercise and protects against increasing air pollution. Substitution offered is more than two miles away is highly unsatisfactory. People using the Sands Common do so because it is within walking distance. Protection is offered by the mature trees acting as a flood defence and is an area already open to those in proximity to it. The land offered is not accessible all year round, there are notices located on the fencing around the site stating nesting birds. The land happens to be not only too far away but also land that is not useful to Durham County Council for any development purpose. The local residents need this open space to remain close to them.
Walia Kani	20/05/2019	The loss of Common Land will be detrimental to me, and the whole wildlife along the stretch of the river. Replacing it with a completely differently habitat on the other side of the river will be totally inappropriate, as an established nature reserve.
Carol Lattin	22/05/2019	I wish to most strongly object. This land wrongly used for some years as a coach park forms part of the large long-established area of Common Land by the river and should be returned to join this area. The proposed alternative is a mere bribe, the land as Aykley Heads is already a nature reserve and could not be re-designated as common land because people would not be permitted access in case of damage to flourishing and protected wildlife, e.g. crested newts. The Common Land in the Sands was mistakenly taken over by the council after the lease to the Royal Observer Corps expired and the land can be returned not to its proper state. This land is important to all local residents, locals, visitors and used every day- a buffer to the growing and dangerous pollution elsewhere. The public have the right to 'roam' on this land as it is also designated as open access land.

		I have no objection to it continuing as a Coach Park which provides convenient space for coaches to park and brings much welcomed visitors to the city. I use Freeman's Quay and walk through the coach park as it is much safer that the narrow road.

No objections received from Informal Consultees

Durham Wildlife Trust

Sunderland Marine Insurance Co. Ltd

Cllr Kevin Shaw

Cllr Carl Marshall

Cllr Richard Ormerod

Cllr Elizabeth Scott

Cllr Elizabeth Brown

Ramblers Association Durham

Rivergreen

Durham Constabulary

Local MP- Roberta Blackman Woods

Mrs Beveridge- Head teacher- Durham Sixth Form Centre

Historic England

Additional consultee requesting information and no response

Cllr David Hall

C.R.
Form 2

COMMONS REGISTRATION ACT 1965

NOTE: This section contains the registration of the land comprised in this register unit.

Registration authority

DURHAM COUNTY COUNCIL

Register unit No. CL 29
Edition No. 1

See Overleaf for Notes

Register of COMMON LAND

LAND SECTION—Sheet No. 1

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1 3rd December, 1968	Those pieces of land called The Sands containing 10.33 acres or thereabouts in the City of Durham as marked with a green verge line inside the boundary on sheets 2742 & 2743 of the register map and distinguished by the number of this register unit. Registered in consequence of Application No.156 (Rights) made 29th February, 1968 by The Trustees and Wardens of the Freemen of the City of Durham, C/o Henry Cecil Ferens, Diocesan Registry, The College, Durham (Registration Provisional)
2 3rd Jun. 1981	The registration at entry No.1 above, which was disputed, became final on 27th October, 1980 with the modification that the land hatched violet on the register map and shown by a letter "A" be excluded from the registration.

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C.R.
Form 3

COMMONS REGISTRATION ACT 1965

NOTE. This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority

DURHAM COUNTY COUNCIL

Register unit No. CL 29

Edition No. 1

Register of COMMON LAND

See Overleaf for Notes

RIGHTS SECTION—Sheet No. 1

1 *No. and date of entry*	2 *No. and date of application*	3 *Name and address of every applicant for registration, and the capacity in which he applied*	4 *Particulars of the right of common, and of the land over which it is exercisable*	5 *Particulars of the land (if any) to which the right is attached*
1. 3rd December, 1968	156 29th Feb. 1968	The Trustees & Wardens of the Freemen of the City of Durham C/o Henry Cecil Ferens Diocesan Registry, The College, Durham. Owners.	To graze 20 cows, 50 sheep, 10 goats and 10 horses over the whole of the land contained in this registe unit (~~Registration Provisional~~)	-
2. 3rd June, 1981	The above registration, being disputed, became final on 27th October, 1981 in accordance with a decision under Section 6(2) of the Commons Registration Act, 1965 dated 29th April, 1981 by Mr. G.D. Squibb, Chief Commons Commissioner.			

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No. and date of note	Notes	No. and date of note	Notes
1. 12th May 1970	The application of Maurice Levitas of 20 Wearside Drive, The Sands, Durham on behalf of the Sands Area Residents Association No.396 made 8th November, 1969 is noted in respect of the registration at entry No.1		
2 12th May, 1970	The registration at entry No.1 above is in conflict with the registration at entry No.1 in the Land Section of the Register of Town or Village Green register unit No. VG97 and each of those registrations is accordingly to be treated as an objection to the other to the extent of the conflict.		
3 12th May, 1970	Part of the land comprised in this register unit is also provisionally registered in the Register of Town or Village Greens under register unit No.(s) VG97 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		
4 3rd Nov. 1970	The objection No.5 of Durham Corporation of 32 Claypath, Durham made the 18th May, 1969 is noted in respect of registration entry No.1 in this section.		

No. and date of note	Notes	No. and date of note	Notes
1. 12th May, 1970	(Part)* of the land comprised in this register unit is also provisionally registered in the Register of Town or Village Green under register unit No(2) VG 37 and any entry relating to minerals in the land section, and every entry in the rights and ownership sections of this register unit is deemed, so far as it relates to the land so registered in both registers, also to be made in the corresponding section of the other register; and this register unit is deemed to contain entries of the above-mentioned classes affecting that land which appear in the other register.		
2. 3rd November 1970	Every objection to the registration, whether as common land or as a town or village green, of any land comprised in this register unit has effect as an objection to any registration (whenever made) under section 4 of the Commons Registration Act 1965 of any rights over that land, whether that registration appears in this register or in the Register of Town or Village Greens. If any of the land is also registered as a town or village green, a note to that effect will appear in each section of this register unit.		

C.R.
Form 4

COMMONS REGISTRATION ACT 1965

Register of

NOTE: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration authority

Register unit No. CL 29

Edition No. 1

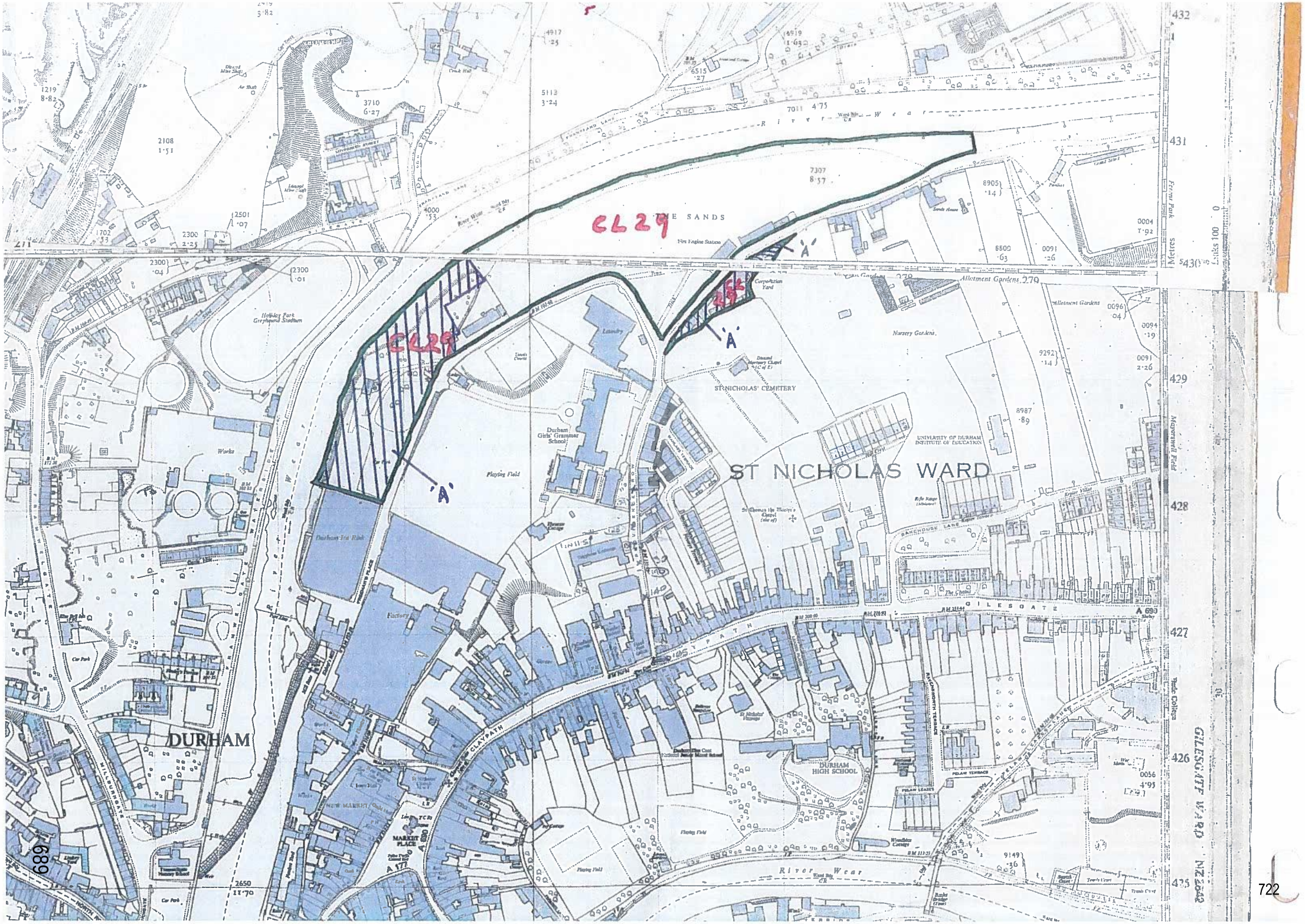
See Overleaf for Notes

OWNERSHIP SECTION—Sheet No. 1

1 *No. and date of entry*	2 *No. and date of application*	3 *Name and Address of person registered as owner*	4 *Particulars of the land to which the registration applies*
13 October 1986	—	The Council of the City of Durham Byland Lodge, Hawthorn Terrace, Durham	The land comprised in the land section of this Register Unit is registered in accordance with a direct made by A. A. Baden Fuller Commons Commissiener in pursuance of Section 8 (2) of the Commons Registrations Act 1965.

Demand 196391 3M Forms 2/74 AH(4S) (20) 275431

688


CL29
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ST NICHOLAS WARD
DURHAM
GILESGATE WARD
River Wear
River Wear
ST NICHOLAS' CEMETERY
Durham Girls' Grammar School
DURHAM HIGH SCHOOL
Hetherley Park Greyhound Stadium
Corporation Yard
Allotment Gardens
Nursery Gardens
Playing Field
Factory
Works
Laundry
Tennis Courts
Durham 1st Rifle
Rifle Range
Bowling Green
Car Park
Fire Engine Station
Sands House
Sands Cafe
Sands Court
Tennis Court
Bandstand
Pelaw Terrace
Pelaw Leazes
Ranelagh Terrace
Bakehouse Lane
Claypath
Gilesgate
Millburngate
Framwellgate Peth
Framwellgate Bridge
Market Place
New Market
Old Elvet
Durham Ice Rink
Durham Johnston Comprehensive School
Durham Johnston Mixed School
Wesley Chapel
Methodist Manse
St Nicholas' Vicarage
St Thomas the Martyr Church (disused)
Diocesan Mortuary Chapel (C of E)
University of Durham Institute of Education
Meadowfield
Maiden Castle
Pelaw Leazes Plantation
Pelaw Leazes Farm
Pelaw Leazes Cottage
Pelaw Leazes Lane
Pelaw Leazes Lane Ends
Pelaw Leazes Plantation
Pelaw Leazes Cottage
Pelaw Leazes Farm

H. CECIL FERENS, M.A., LL.B. D.C.L., J.P.
SOLICITOR.
COMMISSIONER FOR OATHS.
CLERK TO LORD CREWE'S DURHAM APPRENTICESHIP CHARITY.
Clerk to the City of Durham Freemen.

THE COLLEGE,
DURHAM.

Your ref. JHC/AC.

18th March, 1968.

Dear Sir,

The Sands, Durham.
Commons Registration Act, 1965.

I refer to your unsigned letter of the 7th instant, and my subsequent conversation with Mr. Corbett, and I am again enclosing the completed C.R. Form 9. I confirm that it is quite impossible to quantify the herbage rights exercised by the Freemen of the City of Durham over The Sands, since these rights are completely unrestricted. The Freemen do not, in fact, graze any animals on The Sands, but, if they wish to do so, they are not limited as to numbers. In actual fact, all that they claim is compensation for damage to the herbage when Circuses or Fairs are held on The Sands, and this compensation has been paid without question from time immemorial. The plan, which is again enclosed, does not require any amendment, since the buildings indicated within the boundary are temporary erected with the permission of the Freemen, and, although they may remain in situ for a very extended period, immediately they are ultimately removed the rights of herbage over the site of the buildings will at once revive. It is, therefore, important that the registration of these rights should cover the whole of the area outlined in blue on the plan. I hope that, in the light of this explanation, you will now find it possible to complete the registration on the lines requested.

Yours sincerely,

H Cecil Ferens

J.T. Brockbank, Esq.,
Clerk of the Peace and of the County Council,
County Hall,
Durham.

CLERK OF THE PEACE & OF THE COUNTY COUNCIL OF DURHAM
19 MAR 1968

719-2080

DATED 14th January 1995

THE TRUSTEES AND WARDENS OF THE FREEMEN OF THE CITY OF DURHAM

- to -

THE COUNCIL OF THE CITY OF DURHAM

AGREEMENT

in respect of land at The Sands, Durham

P.A. Broome, LL.B.,
Solicitor & Deputy Town Clerk,
City of Durham,
Byland Lodge,
Hawthorn Terrace,
Durham, DH1 4TD.

BS-60067/KB

Exempt Sec 85 FA 85 K31/1

THIS DEED is made the Eighteenth day of January One thousand nine hundred and ninety ~~four~~ five BETWEEN PATRICK GEORGE WOODWARD of 2 Mayorswell Close Gilesgate Durham City ROGER CHARLES NORRIS of 4 Nevilledale Terrace Durham City PROFESSOR BERNARD SMYTHE of 13 Ferens Close Durham City DOCTOR GEORGE ANTHONY LOBJOYT JOHNSON of 11 Quarryheads Lane Durham City DOCTOR WILFRED E CHAPMAN of 5 South End House South Road Durham City MARK BORLASE VENNING of 10 South Bailey Durham City JOHN COLE of 12 Prebends Field Durham City and FRANCIS JOHN BROOKE of 66 Beechfield Rise Coxhoe Durham City (being the Trustees for the time being of the City of Durham Freemen hereinafter called "the Trustees") of the first part and THOMAS MARLEY HERON of 33 Long Acres Gilesgate Durham City HENRY ALAN ATKINSON of 59 Musgrave Gardens Gilesgate Durham City KENNETH LEAMING ALLEN of "Flambard" Leezes Road Durham City DONALD YOUNG of 62 Whinney Hill Durham City CHARLES FREDERICK VEST of 60 Gilesgate Durham City TOMAS WILLIAM REDDEN of 2 Heaviside Place Gilesgate Durham City EDWIN HENRY COLDICOTT of "Cartref" Hill Crest Claypath Durham City and JAMES RIDLEY BROWN of 98 The Grove Coxhoe Durham City (being the Wardens for the time being of the City of Durham Freemen hereinafter called "the Wardens") of the second part and THE COUNCIL OF THE CITY OF DURHAM of Byland Lodge Hawthorn Terrace in the City of Durham (hereinafter called "the Council") of the third part

WHEREAS

(1) The Council is seised in unincumbered fee simple in possession of the piece or parcel of land called "the Sands" Durham (hereinafter called "the Sands") being for the purposes of identification only edged red on the plan attached hereto subject nevertheless to the rights of the Freemen of the said City of Durham to use and exercise a right of Common thereon and under the provisions of an agreement dated the Eighteenth day of September One thousand eight hundred and fifty made between the Mayor Aldermen and Citizens of the City of Durham and Framwelgate of the one part and the Wardens of the Trades Companies of the said City of Durham of the other part to receive a portion of the rents and profits thereof

Surrendered

(2) The Council is desirous of laying out and constructing a municipal car park on the land coloured green on the said plan (hereinafter called "the ROC land") and the Trustees and Wardens on behalf of the City of Durham Freemen have agreed with the Council to grant the right for the Council to use the ROC land for the purpose aforesaid upon the conditions hereinafter contained

NOW THIS DEED WITNESSETH and it is hereby agreed between the parties hereto that in consideration of the rent hereinafter reserved the Trustees and the Wardens on behalf of the City of Durham Freemen hereby grant unto the Council FULL RIGHT AND LIBERTY for the term of years commencing on the date hereof to end on the Seventh day of September Two thousand and eighty to use the ROC land for the purpose of a municipal car park AND the Council hereby covenant with the Trustees and the Wardens that they the Council will during the aforesaid term

(i) pay to the Trustees on behalf of the Freemen

(a) for the period of the said term commencing the date hereof to end on the Sixth day of September One thousand nine hundred and ninety six a yearly sum of eight hundred and fifty pounds inclusive of Value Added Tax where charged thereon (or a proportionate part thereof as applicable to part of a year inclusive of Value Added Tax as aforesaid) being the sum which at the date hereof is equivalent to two third parts of the rent inclusive of Value Added Tax as aforesaid at which the said land (excluding the value of any buildings thereon) might reasonably be expected to be let in the open market by a willing landlord for the term of this Agreement otherwise upon the terms herein contained)

(b) for each succeeding period of three years a yearly sum (not being less than the first above reserved) to be agreed by the parties or in default of agreement to be determined by the then President of the Royal Institution of Chartered Surveyors acting as an expert and not as an arbitrator As the sum equivalent to two third parts of the rent and Value Added Tax where charged thereon at which the ROC land (excluding the value of any buildings erected thereon) might reasonably be expected to be let in the open market by a willing landlord by a lease for the term of this Agreement otherwise upon the terms and conditions contained herein modified as necessary so as to be applicable to a lease of the ROC land

(c) the sums mentioned in sub clauses (a) and (b) above shall be payable half yearly in advance on the First day of October and the First day of April in each year the first payment or a proportionate part thereof to be made on the date of this Agreement

(ii) That the Council will not do or permit to be done anything on the ROC land which might injure the said adjoining areas of the Sands or which might be likely to result in an encroachment on the said areas by any building structure chattel material substance or other thing whatsoever and will not keep or store on the ROC land anything which might be likely to encroach on to the said adjoining areas and in particular will not deposit or permit to be deposited upon the said adjoining areas any building materials or rubbish or machinery equipment or tools whatsoever during the course of any building works or other operations which it or anyone authorised by it may carry out on the ROC land

AND the Trustees and the Wardens hereby covenant with the Council that in consideration of the aforesaid yearly payments to be made by the Council they hereby surrender all their rights contained or referred to in the said Agreement dated the Eighteenth day of September One thousand eight hundred and fifty so far only as the same relate to the ROC land and for so long as this Deed shall have effect

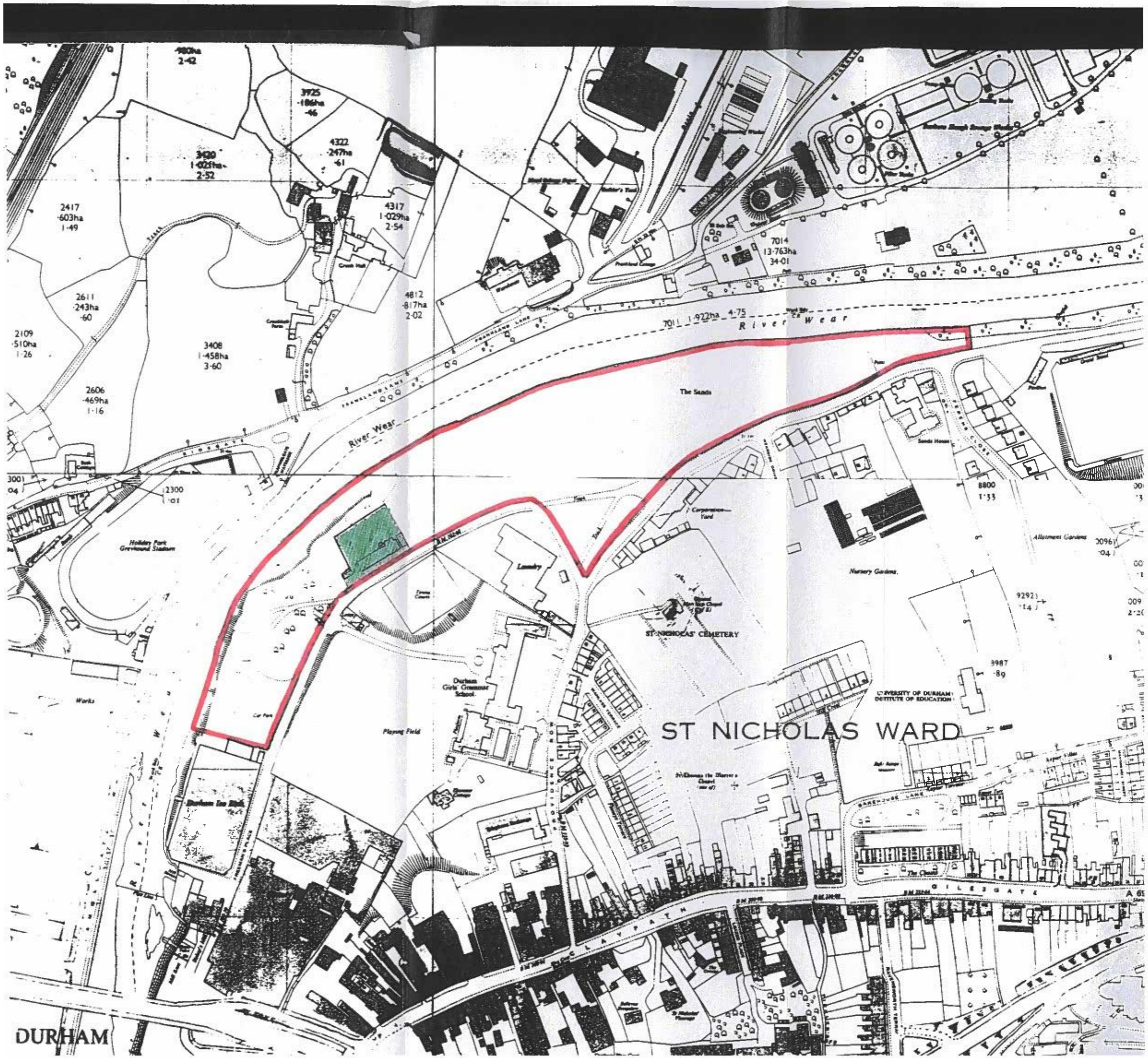
IN WITNESS whereof the Parties hereto of the first and second parts have signed as a Deed and the Council have hereto affixed their Common Seal as a Deed the day and year first hereinbefore written

SIGNED AS A DEED on the)
date hereof by the said)
PATRICK GEORGE WOODWARD)
in the presence of:-)

P. Wills,
Division Registry,
Auckland Castle,
Bishop Auckland
Clerk and Receiver.

SIGNED AS A DEED on the)
date hereof by the said)
ROGER CHARLES NORRIS)
in the presence of:-)

P. Wills,
Division Registry,
Auckland Castle,
Bishop Auckland
Clerk and Receiver


River Wear
The Sands
Holiday Park Greyhound Stadium
Durham Girls' Grammar School
Playing Field
ST NICHOLAS' CEMETERY
UNIVERSITY OF DURHAM INSTITUTE OF EDUCATION
ST NICHOLAS WARD
DURHAM
CLAYPATH
GILESGATE
Nursery Gardens
Allotment Gardens
Sands House
Laundry
Works
Car Park
Tennis Courts
Corporation Yard
Provident Cottages
Crook Hall
Framwellgate Moor
Baker's Yard
Durham Gas Works
Pumping Station
Pumping Station
Telephone
Sub Station
Sub Station
Sub Station

719 2080

DATED 1st January 1995

THE TRUSTEES AND WARDENS OF THE FREEMEN OF THE CITY OF DURHAM

- to -

THE COUNCIL OF THE CITY OF DURHAM

A G R E E M E N T

in respect of land at The Sands, Durham

P.A. Broome, LL.B.,
Solicitor & Deputy Town Clerk,
City of Durham,
Byland Lodge,
Hawthorn Terrace,
Durham, DH1 4TD.

BS-60067/KB

MEMORANDUM OF RENT REVIEW

1.0	Agreement dated:	Agreement dated 18 January 1995 made between the Trustees and Wardens of the City of Durham Freemen and the Council of The City of Durham.
2.0	The Parties:	Trustees and Wardens of the City of Durham Freeman (The Wardens) And The Council of the City of Durham (now Durham County Council) (The Council)
3.0	The Premises:	All that land at The Sands, Durham City as shown coloured green on the attached plan.

The Parties hereby agree that pursuant to the conditions of the above mentioned Agreement, the rent payable for The Premises with effect from the 7 September 2017 shall be the sum of £5,920 (Five Thousand Nine Hundred and Twenty Pounds) per annum.

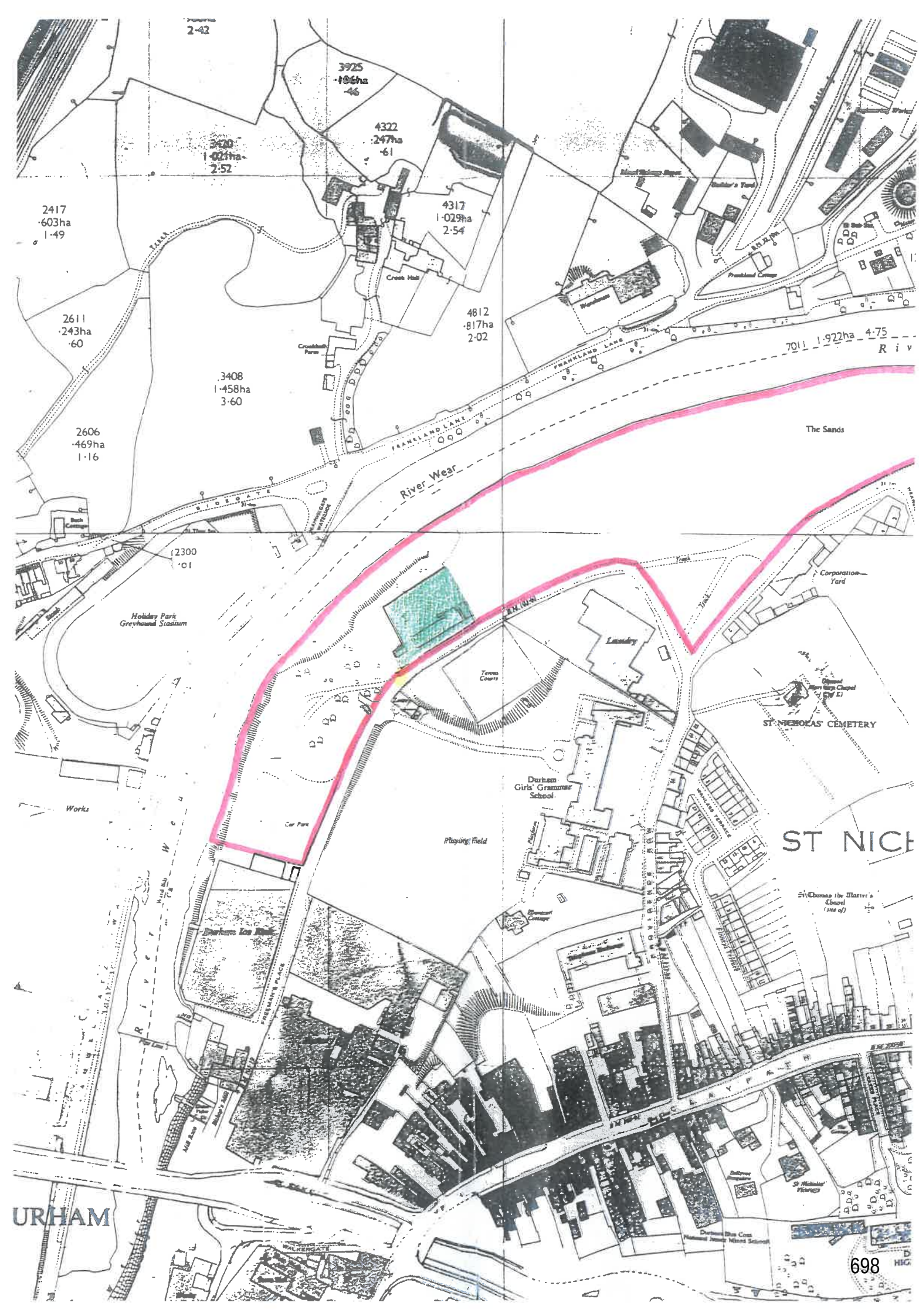
Signature.....
On behalf of The Trustees and Wardens of the City of Durham Freeman

Witness.....

Signature.....
On behalf of Durham County Council

Witness.....

Dated this 3rd day of January 2018



2·42
3925
·46
4322
·247ha
·61
3420
1·021ha
2·52
2417
·603ha
1·49
4317
1·029ha
2·54
Creek Hall
2611
·243ha
·60
4812
·817ha
2·02
Crookhall Farm
3408
1·458ha
3·60
2606
·469ha
1·16
7011 1·922ha 4·75
River Wear
The Sands
2300
·01
Holiday Park Greyhound Stadium
Corporation Yard
Laundry
Tennis Courts
ST NICHOLAS' CEMETERY
Durham Girls' Grammar School
Works
Car Park
Playing Field
ST NICH
Durham Ice Rink
FREEMAN'S PLACE
WALKERGATE
URHAM

Appendix vi

CR Form 9.
This section for official use only.

Official stamp of registration authority indicating date of receipt

COMMONS REGISTRATION ACT 1965
DURHAM COUNTY COUNCIL
REGISTRATION AUTHORITY
30 MAY 1968

Application No. 156

Register Unit No(s)

COMMONS REGISTRATION ACT 1965

Application for the registration of a right of common

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application may be rejected.

'*Insert name of registration authority (see Note 1).*

To the' DURHAM COUNTY COUNCIL

Application is hereby made for the registration of the right of common of which particulars are set out below.

Part 1.
(Give Christian names or forenames and surname or, in the case of a body corporate, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the first-named applicant. See Note 2 for information as to who may apply.)

Name and address of the applicant or (if more than one) of every applicant.

The Trustees and Wardens of the Freemen of the City of Durham,
C/o Henry Cecil Ferens,
Diocesan Registry,
The College,
Durham.

Part 2.
(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

Name and address of solicitor, if any.

H. Cecil Ferens,
Diocesan Registry,
The College,
Durham.

Part 3.
(Read Note 2 and insert "owner" "tenant" or as the case may be. If there is more than one applicant the capacity of each must be stated against his name in this space.)

Capacity in which the applicant is entitled to apply for registration.

Clerk and Receiver to the City of Durham Freemen.

Part 4.
(See Notes 3 and 4.)

Description of the land over which the right of common is exercisable.

Name by which commonly known The Sands,

Locality Durham.

'Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.

Colour on plan' Edged blue.

Part 5.
(See Notes 3 and 7. If the right is exercisable only during limited periods, full particulars of these periods must be given.)

Description of the right of common. A several vesture of herbage including a right not limited by number but ~~PERMAGE RIGHTS~~. restricted to the Freemen to graze animals of any class.
I state that the number of animals to be entered on the Register should be

20 cows, 50 sheep, 10 goats and 10 horses.

Part 6.
(See Note 4. If the right is not attached to any land, the fact should be stated here.)

Description of the farm, holding or other land to which the right is attached, if any.

The parcel of land known as The Sands in the City of Durham delineated on the annexed plan and being edged in blue.

Part 7.
(See Note 8.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 8, and give the appropriate particulars required by that note.

'The application must be signed by the applicant, or by every applicant, personally, unless the applicant is a body corporate or charity trustees, in which case it must be signed by the secretary or some other duly authorised officer.

'Signature(s) of applicant(s) or of person on his or their behalf.

Neil Evans.

Date 29/2/68

Statutory Declaration in Support

(See Note 6)

To be made by the applicant, or every applicant, personally, unless the applicant is a body corporate or charity trustees, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.

[1]Insert full name(s).

[I] [~~We~~][1] Henry Cecil Ferens

[2]Strike out this paragraph if it does not apply.
[3]Insert capacity in which acting.

solemnly and sincerely declare as follows:

1. [I am] [~~We are~~][2] the person(s) who [has] [~~have~~] signed the foregoing application.

2. [2]'I am' Clerk and Receiver [3] to the applicant(s) and am authorised by the applicant(s) to make the foregoing application on [his] [their] behalf.

3. [I] [~~We~~] have read the Notes on the back of the application form and believe that [~~I~~] [~~we~~] [the applicant(s)] [~~am~~] [are] [~~is~~] entitled, in the capacity or respective capacities stated in the application, to apply for the registration under the Commons Registration Act 1965 of the right of common described in the application.

[2]Strike out this paragraph if there is no plan.
[4]Insert "marking" as on plan (see Note 6).

4. [2]'The plan now produced and shown to me marked [4]"A" is the plan referred to in part 4 of the application.

5. [2]'The plan now produced and shown to me marked [4]"A" is the plan referred to in part 6 of the application.

And [I] [~~we~~] make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said Henry Cecil Ferens

.....

.....

.....

.....

.....

.....

Henry Cecil Ferens.

at the City of Durham

in the County of Durham

this 29 day of February 1968.

Before me,

Signature Evelyn Rhodes

Address "Abbey Mead".
Quarry Heads Lane Durham.

Qualification a Justice of the Peace for the County of Durham

REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.

Notes

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land over which rights of common are claimed. Except where there is an agreement altering the general rule (see below), the registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council.

In the case of land which is partly in the area of one registration authority and partly in that of another, the authorities may by agreement provide for one of them to be the registration authority for the whole of the land. Public notice is given of such agreements, but an applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should, if in doubt, enquire whether an agreement has been made and, if so, which authority is responsible for that land.

It is not necessary for the land over which a right of common is exercisable to be registered before an application for the registration of the right itself is made: see Note 9.

2. Who may apply for registration

An application for the registration of a right of common may be made—

(a) by the owner of the right;
(b) where the right is attached to any land, and is comprised in a tenancy of the land, by the landlord, the tenant, or both of them jointly;
(c) where the right belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

In a case where the landlord and the tenant of any land are both entitled to apply for the registration of a right of common attached to the land, they may consider it advisable to apply jointly, because—

(a) if two separate applications relating to the same right are accepted for registration and differ in any material particular, a conflict arises, and each registration has to be treated as an objection to the other. Such a case would normally have to be referred to a Commons Commissioner for decision;
(b) if a joint application is submitted, and is accepted for registration, both applicants will be entitled to appear before the Commons Commissioner in support of the registration, should any objection to it be referred to him;
(c) a person entitled to make an application who is content to leave it to another person (independently so entitled) to make it will, on the other hand, have no right to appear at the hearing of any objection to the registration and may have no claim against that other person if for any reason the right is not registered or the registration does not become final, or becomes final with modification.

Where the Church Commissioners apply for the registration of a right belonging to a vacant benefice, the fact should be stated, and the name of the benefice given, in part 3.

Where the applicants are charity trustees, the fact should be stated, and the name of the charity given, in part 3.

3. Meaning of "rights of common"

Rights of common are not exhaustively defined in the Act, but it is provided that they include cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture. They do not, however, include rights held for a term of years or from year to year. Further information is contained in the official explanatory booklet "Common Land", available free from local authorities, from which the following extract is taken:

"A right of common is generally taken to mean a right which a person may have (generally in *common with* someone else) to take part of the natural produce of another man's land; for example, a right to the herbage (a right of common of pasture); a right to take tree loppings or gorse, furze, bushes or underwood (a right of estovers); a right to take turf or peat (a right of common of turbary); a right to take fish (a right of common of piscary); a right to turn out pigs to eat acorns and beechmast (pannage). There are various other types of rights of common, some existing only in particular areas, and it is impossible to give a complete list. The Act does not therefore attempt to give a comprehensive definition of the expression 'rights of common'"

This extract must not be taken as an authoritative statement of the law. Anyone who is not sure whether a right is registrable under the Act should seek legal advice.

4. Land descriptions

(a) *For purposes of part 4.* Except where the land has already been registered under the Act (as to which see below and Note 5), the particulars asked for at part 4 of the form must be given, and a plan must accompany the application. The particulars in part 4 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale in ink or other permanent medium and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked an as exhibit to the statutory declaration. (See Note 6.)

Where the land has already been registered and comprises *the whole of the land* in one or more register units, a plan is unnecessary provided the register and register unit number(s) are quoted (see Note 5). If the application concerns only part of the land comprised in a register unit, however, it will not always be possible to dispense with a plan. A plan will not be needed if the land can be described by reference to some physical feature such as a road, a river or railway, so that the description might, for example, read "The land in register unit No. ..... lying to the south of the road from A to B". Where this method is not practicable the land must be described by a plan prepared as mentioned above. In cases where the procedure of reference to an existing register unit is adopted, part 4 of the form should be adapted accordingly, and where no plan is submitted inappropriate references to a plan should be deleted.

(b) *For purposes of part 6.* If the right is attached to any farm, holding or other land, that land should be described in part 6. This may be done either by a plan prepared as explained in (a) above, or, alternatively, by reference to the numbered parcels on the most recent edition of the ordnance map (quoting the edition), supplemented, where necessary to describe part of a parcel, or any land not numbered on the ordnance map, by a plan prepared in accordance with (a) above. Sufficient particulars of the locality must in any case be given to enable the land to be identified on the ordnance map.

If the right is held in gross, that is, not attached to any land, that fact should be stated in part 6.

5. Inspection and search of registers

To ascertain whether land has been registered under the Act, anyone may inspect the registers at the office of the registration authority, or the copies of register entries affecting the land in their areas held by other local authorities including parish councils. Alternatively, an official certificate of search O.S.C. must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered. It is also possible that the land is exempt from registration: the registration provisions of the Act do not apply to the New Forest, Epping Forest or the Forest of Dean, nor to any land exempted by order under section 11. If the land is exempt, the certificate will say so, and it will not be possible to register rights of common over it under the Act, but such rights as exist will not be prejudiced by non-registration.

6. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter "A". On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of (name of declarant) made this (date)

19 before me,

.....

(Signature and qualification)

If there is more than one plan care should be taken to choose a different identifying letter for each.

7. Grazing rights

If the right of common consists of or includes a right to graze animals, or animals of any class, the application must state the number of animals, or the numbers of animals of different classes, to be entered in the register. This presents no difficulty where the right to graze is already limited by number. However, for registration purposes grazing rights not limited by number (sometimes called rights "sans nombre", or without stint) must be quantified. This means that the applicant must enter in part 5 of the application form the number of animals, or the numbers of animals of different classes, which he believes himself entitled to graze. If the application is accepted, the right of grazing will be provisionally registered in accordance with the number or numbers which have been so entered. When the registration has become final the right of grazing will be exercisable in relation to animals not exceeding the number or numbers registered or such other number or numbers as Parliament may later determine. The applicant should not insert a figure higher than that which he believes himself entitled to. If he puts in an excessive figure the provisional registration is likely to be objected to. In that case, unless the registration authority permits it to be cancelled, or the objection is withdrawn, the matter will in due course be referred to a Commons Commissioner for decision, and if the Commissioner orders the figure to be reduced he may also order the applicant to pay the costs of the objector.

8. Submission of application: fees

The application must reach the registration authority properly completed during one of the registration periods allowed under the Act. The first registration period begins on 2nd January 1967 and ends on 30th June 1968, and the second begins on 1st July 1968 and ends on 2nd January 1970.

There is no charge for applications made during the first registration period, but every application made during the second registration period must be accompanied by a fee of £5 unless—

(a) during the first registration period the applicant gave the registration authority notice in C.R. Form No. 5 of his intention to make the application, or

(b) the right of common did not become registrable until after 30th April 1968.

If (a) applies, the applicant should quote in part 7 of the form the number on the acknowledgment from the registration authority. If (b) applies, he should explain in part 7 why the right was not registrable until after 30th April 1968.

9. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Later, the applicant will be told whether the application has been accepted or rejected. If it is accepted, then —

(a) if the land over which the right of common is claimed to be exercisable is not already registered under the Act, it will be provisionally so registered, and the right of common will be provisionally registered as exercisable over it, or

(b) if that land is already registered under the Act, the right of common will be provisionally registered as exercisable over it.

The applicant will also in due course be told of any objection to the registration. (As to objections, see the official explanatory booklet "Common Land", available free from local authorities.)

10. False statements: groundless applications

The making of a false statement to procure registration may render the maker liable to prosecution. Moreover, a registration which is objected to will, unless the registration authority permits it to be cancelled, or the objection is withdrawn, be referred to a Commons Commissioner. If, at the hearing before the Commissioner, the registration cannot be substantiated, it will be removed from the register, and the applicant may be ordered to pay the costs of the objector.


Warehouse
103
FRANKLAND LANE
Ward Bdy
CR
River Wear
Posts
The Sands
DURHAM PH
LISLEMANS BUILDINGS
274
102
WEARSIDE DRIVE
Sands Ho
Track
Track
Corporation Yard
Laundry
Nursery Gardens
Tennis Courts
Lodge
Works
Ch
Disused Mortuary Chapel (C of E)
ST NICHOLAS' CEMETERY
Durham Girls' Grammar School
WANLASS TERRACE
Platform
DENCE ROW
Corporation Yard
Car Park
Playing Field
UNIVERSITY OF DURH
INSTITUTE OF EDUCATI
Mill Crest
St Thomas the Martyr's Chapel (site of)
Rifle Range (Miniature)

Received £5-0-0 (part £10-0-0) 11/11/69
Receipt No. 126 fb.

CR Form 7 (*Revised*)

This section for official use only.

Official stamp of registration authority indicating date of receipt

COMMONS REGISTRATION ACT 1965
DURHAM COUNTY COUNCIL
REGISTRATION AUTHORITY
11 NOV 1969

Application No. 396.

Register Unit No(s):

CL 29.
CL
CL

COMMONS REGISTRATION ACT 1965

Application for the registration of land as common land

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application form may be rejected.

[1]*Insert name of registration authority (see Note 1).*

To the[1] County Council of Durham.

Application is hereby made for the registration as common land of the land described below.

Part 1.

(Give Christian names or forenames and surname or, in the case of a society or other body, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the applicant.)

Name and address of the applicant.

Sands Area Residents Association, Durham.
c/o Maurice Levitas.
20 Wearside Drive.
The Sands.
Durham.

Part 2.

(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

Name and address of solicitor, if any.

P. Welsh.
G.A.Carpenter & Son.
3 North Bailey.
Durham.

Part 3.

(See Notes 2, 3 and 4.)

Particulars of the land to be registered, i.e. the land claimed to be common land.

Name by which usually known The Sands.

Locality Those pieces of land called The Sands in the City of Durham as marked with a green verge line inside the boundary on sheets 2742 and 2743 of the Register map referred to as marked "A" and "B" in this application (Except the pieces of land marked "Corporation Yard" on the said plans.)

[2]*Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.*

Colour on plan herewith[2]

Part 4. **For applications submitted after 30th June, 1968 (to be disregarded in other cases).**

(See Note 7.)

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 7, and give the appropriate particulars required by that note.

Yes.

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[2] *If the applicant is a body corporate or unincorporate the application must be signed by the secretary or some other duly authorised officer.*

[3] Signature of applicant or of person on applicant's behalf.

M. Levitas

Date 5th November 1969 1969.

(See Note 5.)

Statutory Declaration in Support

To be made by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.

[1]*Insert full name.*

I[1], Maurice Levitas of 20 Wearside Drive The Sands Durham solemnly and sincerely declare as follows:

[2]*Strike out this paragraph if it does not apply.*

1. [2]~~I am the person who has made the foregoing application.~~

[2]*Insert capacity in which acting.*

2. [2]I am[2] the Chairman of the Sands Area Residents Association, / to the applicant and am duly authorised by the applicant to make the foregoing application.

[3]*The words "unless it is a town or village green as defined in the Commons Registration Act 1965" may be added here if the applicant can only declare to a belief that the land is one or the other. This will avoid inconsistency if the applicant intends to apply to have the land registered also as a town or village green.*

3. I have read Notes 2 and 3 on the back of the application form and believe that the land described in the application is common land.[3] unless it is a town or village green as defined in the Commons Registration Act, 1965

[4]*Strik out this paragraph if there is no plan.*

[5]*Insert "marking" as on plan (see Note 5).*

4. [4]The plan now produced and shown to me marked [5]"A" & "B" is the plans referred to in the application.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said MAURICE LEVITAS

at Durham

in the County of Durham

this 8th day of Nov 19 69.

M. Levitas

Before me,

Signature

Address

Qualification Commissioner for Oaths.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any plan as an exhibit.

Notes

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land which is claimed to be common land. Except where there is an agreement altering the general rule (see below), the registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council.

In the case of land which is partly in the area of one registration authority and partly in that of another, the authorities may by agreement provide for one of them to be the registration authority for the whole of the land. Public notice is given of such agreements, but an applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should, if in doubt, enquire whether an agreement has been made and, if so, which authority is responsible for that land.

2. Meaning of "common land"

Common land is defined in the Commons Registration Act 1965 as—

(a) land subject to rights of common (as defined in the Act—see Note 3 below) whether those rights are exercisable at all times or only during limited periods;

(b) waste land of a manor not subject to rights of common.

It does not include a town or village green or any land forming part of a highway. (There is a separate form available for town or village greens, which are also registrable under the Act.) "Land" includes land covered with water, so that common land can, for instance, include ponds and lakes.

3. Meaning of "rights of common"

Rights of common are not exhaustively defined in the Act, but it is provided that they include cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture. They do not, however, include rights held for a term of years or from year to year. Further information is contained in the official explanatory booklet "Common Land" available free from local authorities; the following extract is not an authoritative statement of the law, but is intended for general guidance only:

> "A right of common is generally taken to mean a right which a person may have (generally in *common with* someone else) to take part of the natural produce of another man's land; for example, a right to the herbage (a right of common of pasture); a right to take tree loppings or gorse, furze, bushes or underwood (a right of estovers); a right to take turf or peat (a right of common of turbary); a right to take fish (a right of common of piscary); a right to turn out pigs to eat acorns and beechmast (pannage). There are various other types of rights of common, some existing only in particular areas, and it is impossible to give a complete list. The Act does not therefore attempt to give a comprehensive definition of the expression 'rights of common'."

4. Land descriptions

Except where the land has already been registered under the Act (as to which see below and Note 6), the particulars asked for at part 3 of the form must be given, and a plan must accompany the application. The particulars in part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale in ink or other permanent medium and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked as an exhibit to the statutory declaration (see Note 5).

Where the land has already been registered and comprises *the whole of the land* in one or more register units, a plan is unnecessary provided the register and register unit number(s) are quoted (see Note 6). If the application concerns only part of the land comprised in a register unit, however, it will not always be possible to dispense with a plan. A plan will not be needed if the land can be described by reference to some physical feature such as a road, river or railway, so that the description might, for example, read "The land in register unit No. ..... lying to the south of the road from A to B". Where this method is not practicable the land must be described by a plan prepared as mentioned above. In cases where the procedure of reference to an existing register unit is adopted, part 3 of the form should be adapted accordingly, and where no plan is submitted inappropriate references to a plan should be deleted.

5. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter "A". On the back of the plan should appear these words:

> This is the exhibit marked "A" referred to in the statutory declaration of (name of declarant) made this (date) 19 .. before me,
>
> .....
> (Signature and qualification)

If there is more than one plan care should be taken to choose a different identifying letter for each.

6. Previous registration: inspection and search of registers

It is possible that the land has already been registered under the Act. If it has been registered as common land, it will not be registered as such again pursuant to a further application, but the further application will be noted on the register. This will entitle the applicant to notice of any objection to the registration. If the land has been registered as a town or village green, registration as common land will take effect as an objection to the earlier registration as a town or village green, and the latter will take effect as an objection to the later registration as common land. It is also possible that the land is exempt from registration: the registration provisions of the Act do not apply to the New Forest, Epping Forest or the Forest of Dean, nor to any land exempted by order under section 11. To ascertain whether land has been registered under the Act, or is exempt, anyone may inspect the registers at the office of the registration authority, or the copies of register entries affecting land in their areas held by other local authorities including parish councils. Alternatively, an official certificate of search may be obtained from the registration authority. A requisition for an official search must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered. If the land is exempt from registration, the certificate will say so, and it will not be possible to register it under the Act.

7. Submission of application: fees

The application must reach the registration authority properly completed during one of the registration periods allowed under the Act. The first registration period begins on 2nd January, 1967 and ends on 30th June, 1968, and the second begins on 1st July, 1968 and ends on 2nd January, 1970. There is no charge for applications made during the first registration period, but every application made during the second registration period must be accompanied by a fee of £5, unless—

(a) during the first registration period the applicant gave the registration authority notice in C.R. Form No. 5 of his intention to make the application, or

(b) the land did not become registrable as common land until after 30th April, 1968.

If (a) applies, the applicant should quote in part 4 of the application the number on the acknowledgment from the registration authority. If (b) applies, he should state in part 4 when and by what means the land became common land.

8. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, then—

(a) if the land is not already registered as common land, it will be provisionally registered as such, or

(b) if it is already registered as common land, the application will be noted on the register.

The applicant will in either case be informed, and will in due course be notified of any objection to the registration. (As to objections, see the official explanatory booklet "Common Land", available free from local authorities.)

9. False statements: groundless applications

The making of a false statement to procure registration may render the maker liable to prosecution. Moreover, a registration which is objected to will, unless the registration authority permits it to be cancelled, or the objection is withdrawn, be referred to a Commons Commissioner. If, at the hearing before the Commissioner, the registration cannot be substantiated, it will be removed from the register, and the applicant may be ordered to pay the costs of the objector.

(C42626) 20,000 2/68

village green Applications

JW

COMMONS REGISTRATION ACT 1965 Reference Nos 211/D/79-80

In the Matter of The Sands, Durham City, Co. Durham
(No. 1)

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No.VG.97 in the Register of Town or Village Greens maintained by the Durham County Council and are occasioned by Objection No. 4 made by the former City of Durham Council, and noted in the Register on 29 October 1970 and the conflicting registration at Entry No 1 in the Land Section of Register Unit No.CL.29 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Durham on 2 July 1980. The hearing was attended by Professor B Smythe, the Chairman of the Sands Area Residents Association, the applicant for the registration, and by Mr Robin Campbell, of Counsel, on behalf of the Durham City Council, the successor authority of the Objector.

I was informed that it was not desired to support the registration of a part of the land comprised in the Register Unit indicated on a plan which was put in. It was also agreed that the remainder is subject to grazing rights belonging to the Trustees and Wardens of the Freeman of the City of Durham.

The land in question was formerly part of the episcopal estates of the see of Durham and was conveyed to the former Durham Corporation by an indenture made 20 December 1860 between (1) The Ecclesiastical Commissioners for England (2) The Mayor, Alderman and Citizens of the City of Durham. By articles of agreement made 3 November 1897 the Trustees and Wardens of the Freeman agreed to take the herbage growing on the land so that the land might be used as a public recreation ground, excepting and reserving for the use of the Freeman of the City the power for the Freeman to use and occupy the land for one full week prior to and one full week after Easter Sunday in each year for the purpose of carrying on Sports and Pastimes as the same had been carried on for several years then past and excepting and reserving on behalf of the Freeman the power to occupy and let sufficient space for the purpose of erecting a show, theatre, menagerie, circus, or place of similar entertainment. There was reserved a rent of £5 a year payable to the Trustees and Wardens to be in addition to the sum of £1 a year paid by the Council to the Freeman in respect of the fairs held on the land.

Since this agreement the land has been maintained as public walks or pleasure grounds under Section 164 of the Public Health Act 1875.

There is nothing in the agreement of 1897 to indicate that the land was then subject to any right of the inhabitants of the locality to indulge in sports and pastimes on it. It appears that the Freeman had used and enjoyed it for the purpose of carrying on sports and pastimes during the weeks before and after Easter Sunday, but not every inhabitant of the city was a freeman or entitled to be a freeman.

Professor Smythe did not contend that the inhabitants of the locality had a customary right to indulge in lawful sports and pastimes on the land, but he argued that the land fell within the third limb of the definition of "town or village green" in Section 22 (1) of the Commons Registration Act 1965 because the inhabitants of the locality had so indulged as of right for not less than 20 years.

There was evidence that the land had in fact been used for lawful sports and pastimes for many years, but there was nothing to show that any of the persons who had used it for that purpose were doing other than using a public walk or pleasure ground provided under section 164 of the Public Health Act 1875. Professor Smythe then argued that since a local authority can only act for the benefit of the inhabitants of its area, the public referred to in the Act of 1875 must be equated with the inhabitants of the area of the local authority.

I find myself unable to accept this argument. There is a clear and well-recognised distinction between members of the public and the inhabitants of a locality: see Hammerton v Honey (1876), 24 W R 603. There is nothing in the context of Section 164 of the Public Health Act 1875 to justify the construction of the phrase " Public Walks or Pleasure Grounds" as meaning "Walks or Pleasure Grounds for the exclusive use of the inhabitants of the area of the Urban Authority".

For these reasons I refuse to confirm the registration.

I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 25th day of July 1980

Chief Commons Commissioner

JW

COMMONS REGISTRATION ACT 1965

Reference Nos 211/D/81-82

In the Matter of The Sands, Durham City, Co.Durham, (No.2)

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No.CL.29 in the Register of Common Land maintained by the Durham County Council and are occasioned by Objection No. 5 made by the former City of Durham Council, and noted in the Register on 3 November 1978 and the conflicting registration at Entry No 1 in the Land Section of Register Unit No.VG.97 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Durham on 2 July 1980. The hearing was attended by Mr W K Wills, Solicitor, on behalf of the Trustees and Wardens of the Freeman of the City of Durham, the applicants for the registration at Entry No 1 in the Rights Section of the Register Unit, in consequence of which the registration the subject of these disputes was made, by Mr Robin Campbell, of Counsel, on behalf of the Durham City Council, the successor authority of the Objector, and by Professor B.Smythe, the Chairman of the Sands Residents Association, the applicant for the conflicting registration.

The land comprised in the Register Unit consists of a large main area and a small detached area to the south-east of it. I was informed that the rights of common over the small detached area were released in 1970 and that it was not desired to support the registration of this small area or of a part of the main area indicated on a plan which was put in. I was also informed that it was accepted that there are rights of common over the remainder of the land comprised in the Register Unit, so that the only matter remaining to be determined is whether the land should be registered in the Register of Common Land or in the Register of Town or Village Greens.

For the reasons given in my decision in In the Matter of the Sands Durham City (NO.1) (1980), 211/D/79-80, I have refused to confirm the registration in the Register of Town of Village Greens.

I therefore confirm this registration with the following modifications, namely the exclusion of the land which it was agreed should be excluded.

I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 25th day of July 1980

Chief Commons Commissioner

COMMONS REGISTRATION ACT 1965

Reference No. 211/D/83

In the Matter of The Sands, Durham City, Co. Durham, (No.3)

DECISION

This dispute relates to the registration at Entry No 1 in the Rights Section of Register Unit No.CL.29 in the Register of Common Land maintained by the Durham County Council and is occasioned by Objection No. 5 made by the former City of Durham Council, and noted in the Register on 3 November 1970 and the conflicting registration at Entry No 1 in the Land Section of Register Unit No. VG. 97 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Durham on 2 July 1980. The hearing was attended by Mr W I. Wills, Solicitor, on behalf of the Trustees and Wardens of the Freemen of the City of Durham, the applicants for the registration, by Mr Robin Campbell, of Counsel, on behalf of the Durham City Council, the successor authority of the Objector, and by Professor B Smythe, the Chairman of the Sands Residents Association, the applicant for the conflicting registration.

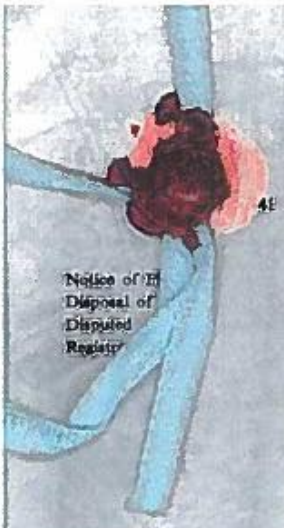
For the reasons given in my decision in In the Matter of the Sands, Durham City (No.1) (1980), Ref. No. 211/D/79-80, I have refused to confirm the conflicting registration. The Objection has been met by the exclusion of two areas from the land comprised in the Register Unit, and Mr Campbell informed me that the City Council accepted the existence of the registered rights over the remainder of the land.

In these circumstances I confirm the registration.

I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 25th day of July 1980

Chief Commons Commissioner



COMMONS REGISTRATION ACT 1965

Reference No. 211/D/81-82

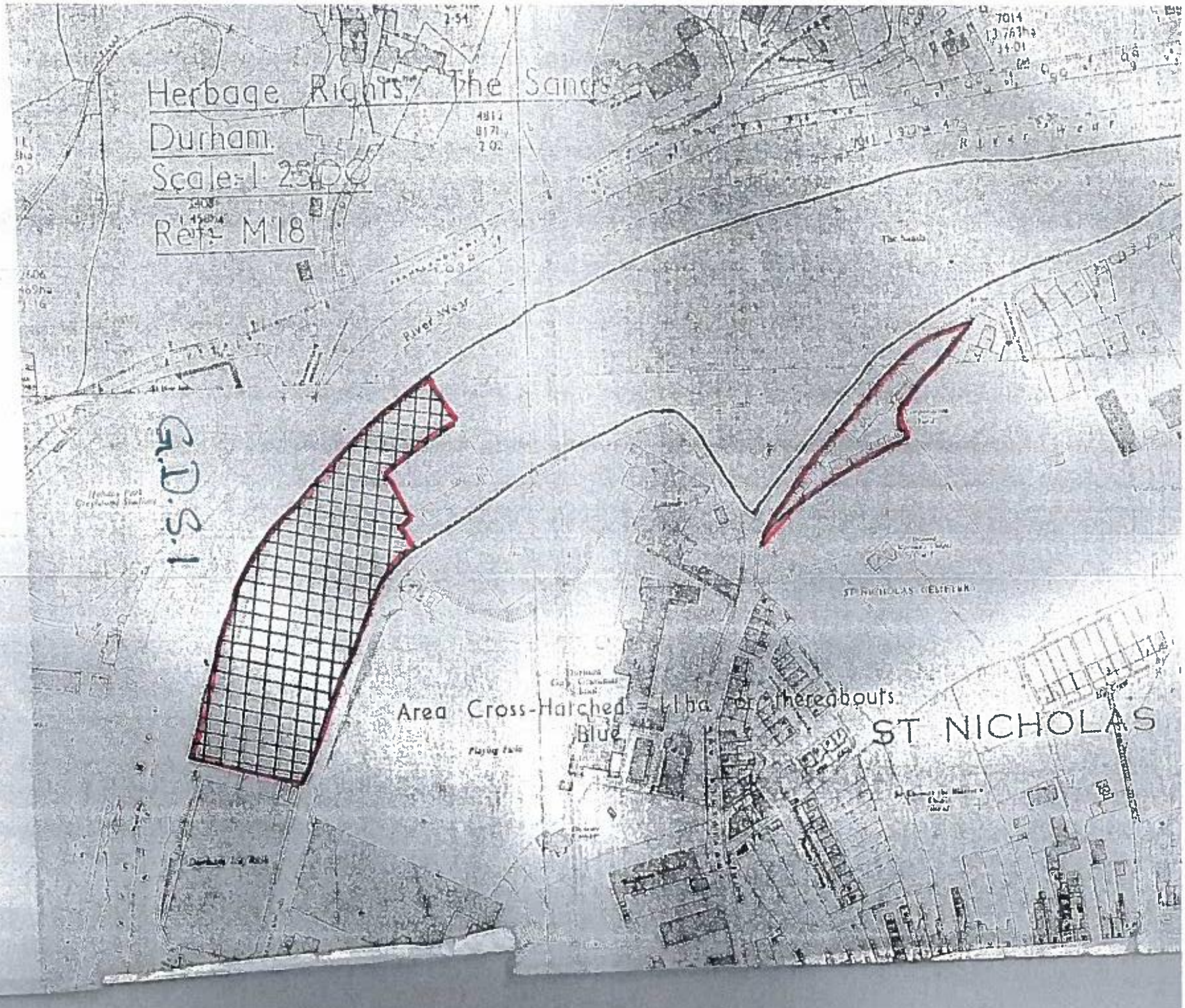
IN THE MATTER OF The Sands, Durham City

To the Durham County Council

I HEREBY GIVE YOU NOTICE in pursuance of Section 6(2) of the Commons Registration Act 1965 that on the 27 day of October 19 80 the registration at Entry No. 1 in the Land Section of Register Unit No. CL.29 in the Register of Common Land maintained by you became final with the following modification, namely, the exclusion of the land shown edged red on the plan marked "G.D.S.I" hereunto annexed.

Given under my hand and seal this 1st day of May, 19 81.

Chief Commons Commissioner


Herbage Rights, The Sands
Durham.
Scale: 1:2500
Ref: M18
River Wear
G.D.S.1
Area Cross-Hatched = 1.1 ha. or thereabouts
Blue
ST NICHOLAS

COMMONS REGISTRATION ACT

Reference No. 211/D/61-82

NOTICE OF FINAL DISPOSAL OF DISPUTED REGISTRATION

Dated 1 May 198

L. FORRESTER
R. FLETCHER

Clerk of the Commons Commissioners

COMMONS REGISTRATION ACT 1965

Reference No. 211/U/102

In the Matter of The Sands,
Durham City, Durham

DECISION

This reference relates to the question of the ownership of land known as The Sands, Durham City being the land comprised in the Land Section of Register Unit No. CL29 in the Register of Common Land maintained by the Durham County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference (1) the Council of the City of Durham claimed (the City Solicitor's letter of 12 December 1985) to be the freehold owner of the land in question,saying that they are such under a conveyance dated 20 December 1860 and made between the Ecclesiastical Commissioners for England and the Mayor Aldermen and Citizens of the City of Durham, that this conveyance was referred to by the (former) Chief Commons Commissioner (Mr G D Squibb QC) in his decision dated 25 July 1980 (being decision No. 1 of the three so dated relating to this land) by which he refused (to confirm) the Town or Village Green (VG97) registration, and that the land is subject to an agreement (also referred to in the said decision) dated 3 November 1897 with the Trustees and Warden of the Freemen which permits the land to be used as a public recreation ground notwithstanding the Freemens' herbage rights; and (2) Mr H M Taylor of 35 Wearside Drive, Durham, as a member of the Sands Residents' Association in a letter dated 3 January 1986 said (among other things) that in about 1893 the Freemen granted a lease of the common rights which they held to the Durham Corporation and from this rather curious transaction there has arisen the widespread belief that the Freemen actually owned the Sands, that at the previous hearing (meaning that held on 2 July 1980 on which the said three decisions were based) the claim of the Freemen to the pasturage or herbage for so many animals was upheld (meaning decision No. 3 on file 211/D/83) and that if the Freemen have common rights it would be contradictory for them to hold the freehold estate as well. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Durham on 5 February 1986. At the hearing (1) the Council of the City of Durham was represented by Mr Peter Alan Broome the City Solicitor, and (2) the said Mr H M Taylor attended in person.

The land ("the Unit Land") now in this Register Unit is a piece nearly all of which is by the River Wear, its southeast end being about 600 yards below Framwellgate Bridge; nearly all the north side of the piece (a little less than 600 yards) adjoins the River. Originally the registration included two smaller pieces one to the southwest and the other to the east and all were in conflict with the VG97 registration; by the said decision the two smaller pieces were excluded from the Register and the conflict was resolved by confirmation of the VG97 registration being refused. Entry No. 1 in the Rights Section now is (as it always has been) of a right to graze 20 cows, 50 sheep, 10 goats and 10 horses over the whole of the Unit Land, not expressed to be attached to any land and made on the application of "the Trustees & Wardens of the Freemen of the City of Durham".

At the hearing Mr H M Taylor said that he was intending to watch and made no ownership claim. Mr P A Broome who is and has been for the last 11 years the City Solicitor, in the course of his oral evidence produced a copy certified by himself of the said 1860 conveyance and of a deed of exchange dated 29 March 1941 and made between (1) the Mayor Aldermen and Citizens of the City of Durham and Framwellgate ("the Corporation"), (2) Thomas Theophilus Atkinson and four others ("The Wardens") and (3) Frederick James Smith (ice manufacturer "the grantee"). By the said 1860 conveyance there was expressed to be conveyed to the Corporation their successors and assigns forever the lands delineated on the plans endorsed and coloured red thereon. The lands so delineated and coloured included the whole of the Unit Land except a narrow strip near or at its west end on the said plan edged blue marked "MILL RACE". In the said 1941 deed of exchange there was expressed to be conveyed to the Corporation the premises described in the Second Schedule thereto being the course of water with the banks and the surrounding land appurtenant thereto delineated and described on the plan annexed thereon coloured green, which said plan showed the said MILL RACE, particularly so much thereof as is included in the Unit Land. On this evidence I am satisfied that the Durham Corporation is the owner of the Unit Land and I shall accordingly direct the Durham County Council as registration authority to register the Council of the City of Durham as the owner of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 14th day of May 1986.

A. A. Baden Fuller.

Commons Commissioner

THIS INDENTURE made the 18th day of September in the year One thousand eight hundred and fifty between the Mayor Aldermen and Citizens of the City of Durham and Framwellgate of the one part and the several other persons whose names are hereunder written and seals affixed being respectively the Wardens of the Trades Companies of the said City of Durham of the other part

WHEREAS by an Indenture dated the 12th day of December in the year One thousand eight hundred and forty eight and made between the Right Reverend Father in God Edward Lord Bishop of Durham of the one part and the said Mayor Aldermen and Citizens by the name and title of the Mayor Aldermen and Commonalty of the City of Durham and Framwellgate of the other part It Is Witnessed that for the consideration therein mentioned the said Bishop did demise unto the said Mayor Aldermen and Citizens and their Successors ALL that the Borough of Durham and Framwellgate in the County of Durham and other the hereditaments therein mentioned TO HOLD the same unto the said Mayor Aldermen and Citizens and their Successors from the making thereof for and during the lives of the three persons therein named and the life of the longest liver of them at and under the yearly rent and subject to the covenants therein reserved and contained and on the Lessees part to be paid observed and performed

AND WHEREAS part of the premises comprised in the said recited Indenture of lease consists of a tract or parcel of ground called The Sands and another tract or parcel of ground called The Island and also several other plots pieces or parcels of ground and other hereditaments and premises respectively situate and being in the parish of St. Nicholas and in the township of Framwellgate in the said Borough of Durham and Framwellgate and containing together by admeasurement eleven acres two roods and thirty one perches be the same more or less and severally delineated

together with the boundaries thereof respectively on the plan drawn on the back of these presents and thereon severally and respectively distinguished by a circumsribing line coloured green AND WHEREAS the said Mayor Aldermen and Citizens are under and by virtue of the said recited Indenture of lease seised of the soil and freehold of the said several tracts plots pieces or parcels of ground but the Freemen of the City of Durham are entitled to right of common thereon for all commonable cattle as the said several persons parties hereto do hereby acknowledge and declare

AND WHEREAS certain messuages or cottages have from time to time been erected on certain parts or portions of the said tracts plots pieces or parcels of ground and the said persons parties hereto have come to such agreement respecting the rents of the said messuages and cottages and other matters as is hereinafter contained

NOW THIS INDENTURE WITNESSETH and it is hereby agreed and declared between and by the said persons parties hereto in manner following that is to say that one third part of the net rents and profits of the messuages or cottages and buildings already erected and hereafter to be erected on the said tracts plots pieces or parcels of ground or any of them or any part or parts thereof respectively shall be received by the said Mayor Aldermen and Citizens and their successors and applied by them as part of their Corporate funds and that the remaining two third parts of the same net rents and profits shall be received by the Wardens for the time being of the Trades Companies of the said City of Durham or their authorised agent for the use and benefit of the Freemen of the said City of Durham And further that no messuage cottage or other building whatsoever shall at any time hereafter be erected on the said tracts plots pieces or parcels of ground or any of them or any part

of the said Mayor Aldermen and Citizens and their successors and the Wardens for the time being of the Trades Companies of the said City of Durham And Further that the said close or parcel of ground called The Sands shall continue to be used for the holding of Public Fairs thereon in the same manner as the same hath heretofore been used the said Mayor Aldermen and Citizens and their successors paying or causing to be paid unto the Wardens for the time being of the Trades Companies of the said City of Durham or their duly authorised agent the yearly rent or sum of One Pound sterling as a compensation for the injury which may be caused to the Herbage on the said piece or parcel of ground by the holding of the said Fairs such yearly rent or sum to be paid by two even and equal half yearly payments on the thirteenth day of May and the Twenty third day of November in each and every year the first payment thereof to be made on the Twenty third day of November now next ensuing and that it shall be lawful for the said Mayor Aldermen and Citizens and their successors at the expense of such Mayor Aldermen and Citizens and their successors to drain and otherwise improve the same tract or parcel of ground called The Sands for the better and more convenient holding of such Fairs as aforesaid And Further that the said two several tracts or parcels of ground respectively called The Sands and The Island shall not nor shall any part or parts thereof respectively at any time hereafter be used as a place or places of deposit of manure paving stones or other substances whatsoever without the consent in writing of the said Mayor Aldermen and Citizens and of the Wardens for the time being of the Trades Companies of the said City of Durham Provided Always and it is hereby expressly declared and agreed by and between the said parties to these presents that subject to the stipulations and agreements hereinbefore contained the Freemen for the time being of the said City of Durham shall and may have use exercise and enjoy a right of common for

all commonable cattle in and upon the same several tracts plots pieces or parcels of ground hereinbefore mentioned or referred to and every of them and every part or parcel thereof respectively IN WITNESS whereof the said Mayor Aldermen and Citizens have hereunto affixed their Corporate Seal and the said Wardens their several and respective hands and seals the day and year first above written

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in HM Land Registry, which have not been completed against this title.

Official copy of register of title

Title number DU285400 | **Edition date 29.03.2018**

This official copy shows the entries on the register of title on 05 APR 2018 at 12:01:50.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 24 Oct 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Durham Office.

A: Property Register

This register describes the land and estate comprised in the title.

COUNTY DURHAM

1 (08.11.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at Aykley Heads, Durham (DH1 5TS).

NOTE: The land tinted green on the title plan is not included in this title.

2 (08.11.2005) The mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.

3 (08.11.2005) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of other land dated 15 July 1992 made between (1) The County Council of Durham and (2) Rivergreen Homes Limited:-

"Rights granted

The property is transferred together with the rights set out in the Second Schedule

Rights reserved

There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Third Schedule

THE SECOND SCHEDULE

1. The right to lay and maintain at its own expenses the First Drain and to use the same

2. The right to connect at its own expense the First Drain into the existing surface water drain at point Q on the Plan and to use such existing surface water drain PROVIDED that the Purchaser shall construct at its own expense and to the reasonable satisfaction of the Vendor an inspection chamber with manhole cover at the said point Q

3. The right to lay and maintain at its own expense the Second Drain together with manholes inspection chambers and temporary stopper at a

minimum depth of 900 mm in a position to be agreed between the parties hereto and to use the Second Drain

4. The right to lay and maintain at its own expense the Sewer in a position to be agreed between the parties hereto at a maximum distance of 5 metres from the northern boundary of the Property and to use the same

5. The right to connect the Sewer to the Private Foul Sewer and to use the private Foul Sewer on condition that the Purchaser pays a fair proportion according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning that section of the Private Foul Sewer between the points X and Y on the Plan the proportion in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

6. The right to enter onto the Retained Land for the following purposes:-

6.1 to carry out any works required in the exercise of the rights granted in clauses 1 to 5 inclusive

6.2 to repair renew maintain inspect replace and clean the Private Foul Sewer the Sewer the First Drain and the Second Drain

THIRD SCHEDULE

1. The right to retain the Private Foul Sewer under the Property and to use the same

2. The right to connect into the First Drain and the Second Drain (such connections to be made on the Retained Land) and to use the same but only to the extent that such additional use does not cause the capacity of the First Drain or the Second Drain to be exceeded and on condition that the Vendor pays fair proportions according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning the First Drain and the Second Drain the proportions in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

3. The right to enter onto the Property to repair renew maintain inspect replace and clean the Private Foul Sewer

4. The right to connect into the Sewer (such connection to be made in the Retained Land) and to use the same but only to the extent that such additional use does not cause the capacity of the Sewer to be exceeded and on condition that the Vendor pays a fair proportion according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning the Sewer the proportion in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

5. The right to erect construct lay renew enlarge or alter at any time without obtaining any consent from or making any compensation to the Purchaser any buildings structures or works in or upon the Retained Land or to deal as the Vendor may think fit with any such land or premises notwithstanding that the buildings structures and works so erected constructed laid renewed enlarged or altered may obstruct or interfere with any right to access of light or air for the time being appertaining to or enjoyed with the Property

Interpretation and references

2.1 Such of the rights hereby granted and reserved which could arise in the future shall be limited to arise within the period of eighty years from the date of this Transfer which shall be the perpetuity period for the purposes of this Transfer

A: Property Register continued

2.2. References to the Property and to the Retained Land shall include a reference to all or any part or parts thereof

2.3 Any rights granted to the Purchaser or reserved by the Vendor may also be exercised by any person expressly or by implication authorised by the Purchaser or the Vendor and also by any person who is or who becomes entitled to use such rights."

¬NOTE: Copy plan filed.

4 (08.11.2005) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of other land dated 28 March 1994 made between (1) The County Council of Durham and (2) Wimpey Homes Holdings Limited:-

"Interpretation and references

2.1 Such of the rights hereby granted and reserved which could arise in the future shall be limited to arise within the period of eighty years from the date of this Transfer which shall be the perpetuity period for the purpose of this Transfer

2.2 References to the Property and to the Retained Land shall include a reference to all or any part or parts thereof

2.3 Any rights granted to the Purchaser or reserved by the Vendor may also be exercised by any person expressly or by implication authorised by the Purchaser or the Vendor and also by any person who is or who becomes entitled to use such rights

Rights Granted

The Property is transferred together with the rights set out in the Second Schedule

Rights Reserved

There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Third Schedule

SECOND SCHEDULE

(Rights and Liberties Granted)

1. A right of way (in common with the Vendor its agents and servants and all other persons who have or may hereafter have the like right) until such time as the same are taken over by the Highway Authority so as to be maintainable at public expense for the sole purpose of obtaining access to and egress from the part of the Property shown circled 'A' and stippled on Plan A only for the Purchaser and its successors in title and all other persons who have or may hereafter have the like right to go and return along upon and over the spur road shown coloured brown on Plan A

THIRD SCHEDULE

(Rights and Liberties Reserved)

Excepting and reserving unto the Vendor in fee simple for the benefit of the Vendor's adjoining or neighbouring property and any part or parts thereof capable of being benefited thereby full right and liberty for the Vendor and all others entitled or authorised by them:-

1. To the free passage and running of water soil gas electricity drainage and any other service or supply through and use of the sewers drains culverts watercourses pipes cables stabilising cables wires or other channels or conductors now laid or to be laid in under or over the Property with liberty for the Vendor and others entitled or authorised by the Vendor to enter thereon with or without vehicles and apparatus for the purposes of making connections with repairing

A: Property Register continued

renewing altering reinstating maintaining inspecting or cleansing all or any of such sewers drains culverts watercourses pipes cables stabilising cables wires channels or conductors

SUBJECT TO the person exercising such right causing no unnecessary damage or disturbance and forthwith making good any damage or disturbance caused thereby to the Property

2. A right of way until adoption of the same as highways maintainable at the public expense (in common with the Purchaser and all others having a like right) for the Vendor and all others authorised by them over and along the footpaths and roads constructed or to be constructed upon the Property or upon any part thereof save for those (if any) within the curtilage of any individual residential plot and not intended to be so adopted

3. At all reasonable times to enter so much of the Property as is necessary with or without vehicles and apparatus for the purpose of inspecting the state and condition of or repairing rebuilding or maintaining adjoining premises or adjoining roadways or for the purpose of the removal or alteration of any works not erected or constructed in accordance with plans specifications or proposals as hereinafter provided SUBJECT to the person exercising such right causing no unnecessary damage or disturbance and forthwith making good any damage or disturbance caused thereby to the Property

4. The right for the Vendor and its successors in title the owners and occupiers for the time being of all or any part of the Vendor's Retained Land and their respective servants and licensees and all other persons who have or may hereafter have the like right to pass and repass from time to time and at all times hereafter by day or night and for all purposes connected with the present or any future use and enjoyment of the Retained Land or other adjoining land with or without vehicles or apparatus of any description and with or without animals from and to the public highways called High Carr Road and Durham Road aforesaid and also the Aykley Heads Northern Distributor Road aforesaid over along and across those parts of the Property shown coloured in yellow and also coloured in pink respectively on Plan A and also any roadway and/or footpath which are now or may be constructed on the said parts of the Property in accordance with the plans drawings and specifications submitted to and approved by the Local Planning Authority ("the Authorised Plans")

5. The right to the Vendor notwithstanding anything to the contrary herein to deal with the Vendor's other lands in such parcels and upon such terms and conditions and subject to or free from any restrictions as the Vendor may think fit and the Purchaser shall not be released from any of the covenants and stipulations herein nor shall the right of the Vendor to enforce any such covenants and stipulations be affected in any way by reason that the Vendor's other lands shall have been sold or demised or contracted to be sold or demised without covenants and stipulations similar to those contained herein or that such other lands of the Vendor are being used in a manner and for a purpose inconsistent with the covenants and stipulations herein and the Purchaser shall not be entitled to inspect any assurance executed by the Vendor in favour of any other purchaser

6. The right (but without imposing any obligation to carry out any of the works mentioned in this paragraph) for the Vendor its servants and agents and others authorised by it or them with or without vehicles plant and equipment at all reasonable times of which previous notice shall have been given in writing to enter onto so much of the part of the Property shown coloured pink on Plan A as is necessary to lay construct and erect therein in such position as the Vendor shall reasonably determine to adoptable standards a road together with footpaths lighting columns drains sewers and to carry out any associated works SUBJECT TO making good any damage or any disturbance caused to the land coloured pink on the Plan PROVIDED ALWAYS that any road constructed by the Vendor pursuant to the rights hereby granted shall not obstruct or interfere with any road constructed or to be constructed by the Purchaser on the land shown coloured pink on Plan A pursuant to the provision of this clause

A: Property Register continued

7. The right at all times hereafter for the Vendor its servants and agents and others authorised by it or them to use on foot only the footpaths and with or without vehicles the road constructed or to be constructed in pursuance of the rights set out in paragraph 6 of this Schedule pending their adoption as a road and footpaths maintainable at the public expense subject to making good any damage or disturbance to the said road footpaths and lighting columns.

8. The right for the Vendor its servants and agents and others authorised by it or them with or without vehicles plant and equipment at all reasonable times and upon giving reasonable notice (except in case of emergency) to enter upon so much of the Property as is reasonably necessary:-

8.1 To construct inspect maintain repair reinstate or renew:

8.1.1 A stone wall between the points H and J marked on Plan A

8.1.2 The surface water drain laid in the adjoining land to the south of the boundary of the Property between the points H and J marked on Plan A

8.2 To remove the aforesaid surface water drain and relay the same in such positions as shall be reasonably required or approved by the Vendor to the west of the said adjoining land and also within the part of the Property shown cross hatched black on Plan A together with all necessary work associated therewith

SUBJECT TO the person exercising any of the aforesaid rights making good any damage caused thereby or if such damage cannot be made good paying reasonable compensation in lieu thereof".

NOTE 1: The retained land referred to has been tinted pink on the title plan

¬NOTE: Copy plan filed.

5 (08.11.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of other land dated 2 June 2004 made between (1) The County Council of Durham and (2) Sunderland Marine Mutual Insurance company Limited.

¬NOTE: Copy filed under DU272953.

6 (08.11.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of other land dated 31 March 2005 made between (1) The County Council of Durham (Transferor) and (2) Rivergreen Limited (Transferee).

¬NOTE: Copy filed under title DU281163

7 (20.01.2006) A new title plan showing a revised extent has been prepared.

8 (30.11.2012) By a Deed dated 21 November 2012 made between (1) Durham Police Authority (2) The County Council of Durham and (3) Sunderland Marine Mutual Insurance Company Limited the rights contained in a Deed of Grant dated 8 October 2004 made between the same parties have been varied.

¬NOTE: Copy filed under DU285291.

9 (01.08.2016) The land has the benefit of any legal easements granted by a Deed dated 1 August 2016 made between (1) The Office of the Police and Crime Commissioner for Durham (Grantor) and (2) The County Council of Durham (Grantee).

¬NOTE: Copy filed under DU285291.

10 (17.07.2017) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (08.11.2005) PROPRIETOR: THE COUNTY COUNCIL OF DURHAM of Legal Services, County Hall, Durham DH1 5UL.

2 (08.11.2005) An Agreement for the sale of Site 5 Aykley Heads dated 6 April 2004 made between (1) The County Council of Durham (Seller) and (2) Sunderland Marine Mutual Insurance Company Limited (Buyer) contains Seller's personal covenants contained in clauses 28.3 to 28.5 inclusive.

¬NOTE 1: Extract and plans from the Agreement filed

By a Supplemental Agreement dated 11 February 2005 made between (1) The County Council of Durham (Seller) and (2) Sunderland Marine Mutual Insurance Company Limited (Buyer) the Sellers personal covenants were varied as therein mentioned.

¬NOTE 2: Copy Filed.

3 (08.11.2005) A Transfer dated 2 June 2004 referred to in the property register contains Vendor's personal covenants.

4 (24.06.2016) RESTRICTION: No disposition of the Easement Area referred to in the Deed of Easement of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by a Conveyancer that the provisions of paragraph 4 of Schedule 3 of the Deed of Easement dated 17 June 2016 referred to in the Charges Register have been complied with or that they do not apply to the disposition.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (08.11.2005) The land is subject to the following rights granted by a Conveyance of other land dated 14 August 1967 made between (1) The County Council of Durham and (2) The Mayor Aldermen and Citizens of the City of Durham and Framwelgate:-

"TOGETHER WITH the right and easement mentioned in clause 2 hereof

2. There is included in this Conveyance the right for the Corporation at all times to enter upon and use all or any part of the pieces or parcels of land situate at Framwelgate aforesaid comprising the whole three thousand eight hundred and two square yards or thereabouts and for the purpose of identification coloured green on the plan annexed hereto for or in connection with the formation of an embankment for highway purposes."

¬NOTE: Copy plan filed.

2 (08.11.2005) The land is subject to the rights contained in a Deed of Grant dated 28 December 1967 made between (1) The County Council of Durham (Grantor) and (2) Northern Gas Board (Grantee).

¬NOTE: Copy filed.

3 (08.11.2005) The land is subject to the rights contained in a Deed of Grant dated 19 January 1977 made between (1) The County Council of Durham (Grantor) and (2) The North Eastern Electricity Board (Grantee).

¬NOTE: Copy filed.

4 (08.11.2005) The land is subject for a term of 60 years from 28 October 2005 to the right of way granted by a Lease of Easements dated 28 October 2005 made between (1) The County Council of Durham and (2)

C: Charges Register continued

Northern Electric Distribution Limited.

¬NOTE: Copy filed under DU285291.

5 (08.11.2005) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

6 (19.04.2006) By a Deed dated 26 January 2006 made between (1) The County Council of Durham and (2) Rivergreen Limited the terms of the lease dated 23 June 1994 of land at Aykley Heads referred to in the schedule of leases hereto were varied.

¬NOTE: Copy Deed filed under DU193694.

7 (16.04.2010) The land is subject to the easements granted by a Lease of the land edged and numbered 1 in blue (part of) part of the ground floor dated 15 April 2010 made between (1) The County Council Of Durham and (2) The Sports Council Trust Company for a term of 6 years from 15 June 2009.

¬NOTE:-Copy filed.

8 (12.08.2014) The land is subject to the rights granted by a Deed of Grant dated 8 August 2014 made between (1) The County Council Of Durham and (2) Northern Powergrid (Northeast) Limited.

The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed.

9 (24.06.2016) The land is subject to any rights that are granted by a Deed of Easement dated 17 June 2016 made between (1) The County Council of Durham and (2) The Office of the Police and Crime Commissioner for Durham and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU285291.

10 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) William Dixon and Cordelia Dixon and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365480.

11 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Brian William Hill and Susan Elizabeth Hill and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365483.

12 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Stephen Nigel MacQuarrie and Marion Birgit MacQuarrie and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365482.

13 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Ian Peacock and June Denise Peacock and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed DU365486.

14 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) David Peter Lionel Herring and Julie Kate Oliver and affect the registered land.

C: Charges Register continued

The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365487.

15 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Paul Jordan and Janet Jordan and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365489.

16 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Hugh Thompson and Diane Thompson and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365484.

17 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) William Gerard Keating and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365485.

18 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Mary Gibson Smith and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365481.

19 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Ian Burns and Patricia Ann Burns and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365488.

Schedule of notices of leases

1	08.11.2005 tinted blue	Aykley Heads Business Centre	23.06.1994 150 years from and including 23 June 1994	DU193694

NOTE 1: Lease includes other land

NOTE 2: See entry in the Charges Register relating to a Deed of Variation dated 26 January 2006

2	21.12.2007 edged and numbered 2 in blue (part of)	Telecommunications Control Room (penthouse level only)	16.11.2007 from and including 27/08/2006 to and including 26/08/2016	DU307298
3	02.11.2016 Edged and numbered 3 in blue	land on the north east side of Framwellgate Peth	26.10.2016 125 years from 1.11.2016	DU359412

End of register

Cabinet

17th January 2018

Aykley Heads Strategic Employment Site, DCC Headquarters Full Business Case and Future options for the County Archive

Key Decision ReaL/02/17

Report of Corporate Management Team
Lorraine O'Donnell, Director of Transformation and Partnerships
Ian Thompson, Corporate Director of Regeneration and Local Services, John Hewitt, Corporate Director of Resources, Councillor Joy Allen, Cabinet Portfolio Holder for Transformation, Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration, Councillor Alan Napier, Deputy Leader and Cabinet Portfolio Holder for Finance and Councillor Ossie Johnson, Cabinet Portfolio Holder for Tourism, Culture, Leisure and Rural Issues

Purpose of the Report

1 This report is the third in a sequence of reports on the future of Aykley Heads as a strategic employment site and affirms the potential for the site to attract high quality jobs to the county. It proposes a masterplan to attract over 6000 jobs and sets out the implications of doing so for the site currently occupied by County Hall. The masterplan provides a unique opportunity to transform the economic prospects of the county as well as opportunities for the council to transform how it works in the future and how the heritage of the county is managed and celebrated.

Executive Summary

2 This report is the culmination of several years of planning, external and independent challenge of the assumptions that underpin the vision for the Aykley Heads site, and verification of the costings that underpin the options appraisal.

3 It is based on a robust Treasury green book methodology for determining value for money of complex projects and has included the production of a strategic business case, agreed by Cabinet in July 2015; an outline business case (OBC) agreed by Cabinet in July 2016 and culminating in a full business case (FBC) summarised in this report.

4 The conclusions are:

(a) a masterplan capable of attracting over 6000 high quality private sector jobs to the Aykley Heads site has been developed which offers a once in a generation opportunity to enhance the economic prospects of the county;

(b) the masterplan requires development on the footprint currently occupied by County Hall;

(c) the impetus to free up the County Hall site offers the council an opportunity to transform how it works by downsizing to a more efficient building. The FBC concludes that moving to such a building in the city centre offers the most economically advantageous option to provide a civic and administrative centre over the next 35 years. The capital cost of moving to such a site is significantly less than maintaining and sustaining County Hall over that period whilst also demonstrating reduced running costs;

(d) in contrast to provision elsewhere in the country, County Hall contains the Archive and Record Office for County Durham and Darlington. The requirement to free up the County Hall site offers the council an opportunity to bid for external funding to transform how we maintain our heritage for the next fifty years and to enhance access to and understanding of our social and industrial history.

5 The report is structured in three parts:

Part 1: Proposed way forward on the Aykley Heads Strategic Employment Site:

This section describes the masterplan for the Aykley Heads site, the employment sectors that the site would target and the demand for a central business quarter in Durham City. It explains how development of the site would help realise long-held regeneration plans for the county and complement current growth in areas such as NetPark, the Newton Aycliffe Industrial Park, sites adjacent to the A1 and A19 and Bishop Auckland. This section concludes that Aykley Heads provides a unique opportunity in the region to achieve significant growth of over 6000 jobs. Whilst further work is required on the precise delivery model, it also concludes that a model that delivers jobs and a long-term financial return to the council is feasible and that the council should move to bring this to fruition.

The recommendations from part 1 are that Cabinet:

(a) note the high-level options available to bring forward the delivery of the Strategic Employment Site and agree to receive a subsequent more detailed report on delivery arrangements in summer 2018;

(b) note the masterplan for Aykley Heads;

(c) approve the submission of an outline planning application for the Aykley Heads site;

(d) note that the masterplan for Aykley Heads includes the development of the footprint currently occupied by County Hall.

Part 2: Durham County Council Headquarters Final Business Case:

The requirements of the masterplan as set out in Part 1 of the report mean that the site currently occupied by County Hall needs to be developed as part of the commercial business quarter to attract private sector jobs. A robust methodology has been applied to consider the most economically advantageous option for providing a civic and administrative centre for the council over the next 35 years. It concludes that moving to a smaller, more efficient building in the city centre would not only free up the opportunity on the current site to attract private sector jobs, but would be the most cost effective means of providing a council headquarters building. It summarises the procurement process which, though not yet complete, offers the opportunity to reduce running costs and downsize our administrative estate.

The recommendations from part 2 are that Cabinet:

(a) endorse the key findings of the FBC as set out in this report and subject to the consideration of the related report in Part B:

i. note that the detailed financial information is set out in the part B report on this agenda and that the Office Accommodation Capital Reserve is available to finance the project and the capital costs, on-going revenue costs and savings and one-off costs of the project will be incorporated into future MTFP reports

ii. approve the outcome of the procurement process to select a Preferred Bidder and Reserve Bidder

iii. delegate authority to the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources in consultation with the Cabinet Portfolio Holder for Economic Development and Regeneration and the Cabinet Portfolio Holder for Finance to enter into a Pre Development Services Agreement (PDSA) with the Preferred Bidder

iv. delegate authority to the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources, in consultation with the Cabinet Portfolio Holder for Economic Development and Regeneration and the Cabinet Portfolio Holder for Finance, to enter into the Development Agreement for the new HQ

following satisfactory planning approval provided that the Preferred Bidder achieves the council's requirements during the PDSA period.

Part 3: Future options for the County Archive:

This section takes as its starting point the need to relocate County Hall, in which the County Archive is currently located. The archive's significant value as part of the county's heritage is explained in this section. Few councils locate their archive in their administrative headquarters and the service experiences significant constraints on customer service and future growth by its location in County Hall. In visioning how the council's heritage could be protected and celebrated for future generations, a proposal has been developed to co-locate several heritage and cultural services in a prestige setting. Whilst at an early stage of development, it is proposed that a Durham History Centre is consulted on and that a Heritage Lottery Fund bid is submitted to significantly improve how the county's heritage is maintained and promoted.

Subject to the outcome of Cabinet's decisions on the Aykley Heads strategic employment site proposal and the potential relocation of County Hall, Cabinet is recommended to:

(a) agree to progress a 'Durham history centre' concept;

(b) agree to consult stakeholders and interested parties on the proposal;

(c) authorise the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources, in consultation with the relevant portfolio holders to continue negotiations with the relevant landowners;

(d) agree to the submission of a funding application to the Heritage Lottery Fund, subject to the outcome of the consultation and negotiations;

(e) receive a further report on the detailed proposals for final consideration;

(f) note the estimated capital costs as set out in the report will be included in future MTFP plans once they are finalised;

(g) note that the on-going revenue costs of the history centre can be met from available resources;

(h) note that the one-off costs set out in this report will be met from general reserve.

6 It is important that Members consider each decision in parts 1, 2 and 3 on its merits, whilst ensuring coherence of decision-making. For ease of consideration, the specific legal and financial implications for each part are described individually. Information that is commercially sensitive is provided in a corresponding part B report.

Background

7 In recognition of the scale of opportunities for the county and the council and the investment involved at a time of public service austerity, the council has systematically worked through a Treasury green book process designed for large, complex projects in which value for money is essential. This involved establishing a strategic business case, an OBC and finally a FBC for the HQ.

8 Cabinet agreed a strategic business case in July 2015. This included:

(a) the approval in principle of the release of the Aykley Heads site as a major regeneration opportunity subject to an OBC and procurement exercise

(b) agreement to continue the distributed model of existing council accommodation to maintain the council footprint across County Durham. The report described that this meant investment and greater use of our Strategic Sites, namely Crook, Green Lane, Spennymoor, Meadowfield and Spectrum, Seaham

(c) agreement in principle to the relocation of the council's HQ to a Durham City centric site subject to an outline business case and procurement exercise.

9 An OBC takes the proposition established through the strategic business case and identifies and appraises options to test the viability of the project. The findings of the OBC were agreed by Cabinet in July 2016.

10 The OBC identified five options for the HQ: remaining on the current footprint with refurbishment of the building; a new build on DCC land at Aykley Heads; a new build freehold HQ on developer owned land in the city centre; a new leasehold HQ on non-DCC land in the city centre and new build on DCC land in the city centre delivered by DCC. All but the first option included remodelling of the strategic sites. The OBC concluded that the third option described in detail later in the report was the preferred delivery route due in part to the risk transfer to the private sector, subject to a FBC and procurement process. In recognition of the need to modernise the way the council works, a budget was agreed to modernise the strategic sites. A programme of work, called Inspire is underway to transform our strategic sites including physical work where required and, as importantly, a programme to modernise how the council works to include flexible and agile working. This programme is currently being implemented in Crook.

11 Cabinet also agreed to explore future options for the County Archive.

12 Part 1 of this report summarises the process of completing the FBC and its conclusions. It includes:

(a) testing the feasibility of the Aykley Heads site to deliver 6000 high quality jobs. This is described in Part 1 of the report

(b) testing the findings of the OBC through the inclusion of costs that have been derived from a robust procurement process. This is described in part 2 of the report

(c) to complete the picture, options for the future of the archive are described. Though unsuitable for relocation to a new HQ, exciting opportunities are presented that could maintain our heritage and enhance access to it. The proposal for the archive is presented in part 3 of the report so that Members have a complete understanding of the implications for Aykley Heads.

PART 1 – PROPOSED WAY FORWARD ON THE AYKLEY HEADS STRATEGIC EMPLOYMENT SITE

13 Since Local Government Re-organisation in 2009, there has been a clear focus on the economic performance of County Durham and the importance of economic growth in securing a sustainable future for communities across the county.

14 This economic growth is based on the premise that the county needs more employment opportunities for its residents and when possible, to ensure opportunities to create better jobs are being maximised. Across County Durham, the Council has sought to firmly seize employment opportunities whenever these have been available and this approach has led to some considerable success.

15 The Council's approach to inward investment has also led to some notable examples of success. Hitachi planned to create 730 jobs in Newton Aycliffe, but within three years are already employing over 1,200 staff. ResQ moved to Seaham in 2016 with plans to employ approximately 1,200 people within three years and they are making excellent progress in achieving this.

16 Across County Durham, there are excellent development sites that offer opportunities for economic growth, including sites adjacent to the A1 and A19, Newton Aycliffe Industrial Park and NETPark. In order to continue to move the economy of the county and region forward, opportunities that are available in Durham City that complement the county's offer also need to be considered in more detail.

17 Durham City is at the heart of County Durham and its role as a driver of economic growth is considerable, particularly with a world-class university and UNESCO World Heritage Site being a core part of the fabric of the city. Durham City is an attractive place to live, work and visit. The range of housing and employment, the quality of the environment and its unrivalled heritage have prompted some to describe it as the perfect city, a must see destination and one of Britain's most romantic cities.

Durham City's transport connectivity

18 Within the context of the north east region, the city is also a significant administrative and cultural centre and has excellent communication links

regionally, nationally and internationally. Durham Station lies on the East Coast Main Line, with four trains per hour in each direction providing regional and national connectivity. Durham bus station is at the heart of the local bus network, hosting up to eighty buses per hour with regular services from each of the main settlements in the county.

19 Due to its transport connections and access to a wide range of services, Durham is the most sustainable location in the county and was identified in the former Regional Spatial Strategy as one of five strategic public transport hubs in the north-east. For these reasons locating the headquarters in the city, which is the centre of the transport hub in the county, provides the most accessible solution.

20 The population of the built-up area of Durham is approximately 51,474 (ONS 2016), with some 36,734 people being of working age (16-64). There is a catchment of 107,000 people within a five-mile radius, extending to 511,000 within 10 miles. Importantly, and with an eye to the growth potential of the city, there are 2.56 million people within a 60-minute drive time. The population of County Durham is 522,100 people (ONS Mid-Year Population Estimates 2016). Projections suggest an increase to 566,000 by 2039 (sub-national population projections).

21 Durham Rail station is a few minutes' walk from the city centre. The station is a major stop on the East Coast Main Line with four trains per hour (rising to five trains per hour in 2018). Services are provided by Virgin Trains East Coast, CrossCountry, TransPennine Express and Northern trains, giving Durham direct connectivity to a wide variety of destinations across the country including London King's Cross (2 hours 55 minutes) and Edinburgh (1 hour 50 minutes). More locally, services to Newcastle (11 minutes), Darlington (16 minutes) and York (45 minutes) mean Durham City is easily accessible to regional labour markets. Use of the station continues to grow year on year; in 2016/17 the station handled over 2.6 million passenger journeys. Durham has ready access to Newcastle and Durham Tees Valley international airports, the Port of Tyne and Teesport.

22 Durham Bus Station on North Road is within easy reach of key central locations in the city and provides regular services to prominent regional locations, local centres and surrounding residential districts. At peak times, there are over eighty local bus services per hour passing through the City Centre, with regular services from each of the main settlements across the County. Durham City is the most accessible location in the County, with over seventy two percent of all County Durham households being able to reach the City Centre by 8.30am in under one hour, using public transport (including walking to a bus stop) between Monday and Friday.

23 The City is also served by three park and ride sites at Belmont, Sniperley and Howlands. A total of over 1100 parking spaces are available, with a direct bus service running every 10 minutes to the city centre from each site.

24 Work is ongoing to refresh the transport offer, including schemes to enhance walking and cycling links in the City, improve the quality of the bus station and

refurbish the pedestrian underpass at the rail station. Future development of the city's economy will be matched by a requirement for additional road infrastructure, and work is underway developing plans for a Northern and Western Relief Road.

25 Overall, Durham's proximity to the key transport corridors of the A1 and the A19 alongside the East Coast Main Line support its role as a key transport hub for the city and the county and ensures that the city acts as a transport hub for the county, ensuring the accessibility of development in the city.

26 Access to Durham by private car is good and there are multi-storey parking facilities in the centre at the Prince Bishops and Gates shopping centres and within the Walkergate leisure development.

Economic role of the city

27 From an economic point of view, the real beauty of Durham is its potential. With strategic investment and sensitive planning, Durham can become one of the most important centres for economic growth in the north-east. Certain assets within Durham – the World Heritage Site and the University – are "world class". Our vision is to see other, major components enhanced, so that Durham becomes a world-class location for commerce, for living and for visiting. In short, we want Durham to become world class on every level.

28 Employment opportunities in the city are good but overall, the balance of employment is dominated by large-scale public sector employers that provide 45% of all employment. Whilst these are extremely valuable jobs that are important to retain, the impact of austerity on public budgets since 2010 has resulted in a decreasing workforce. Greater balance between the public and private sector would provide increased resilience and further opportunities for growth in future years.

29 Growing job opportunities in attractive sectors and locations in the county can also present options to retain gifted and talented young people who often seek employment outside of the county after being educated here. Opportunities for young people growing up in County Durham to establish companies or work within existing businesses are important for the future of our young people.

30 Whilst it is clearly recognised that university graduates securing employment opportunities around the globe is a measure of success, providing increased opportunities for graduates within Durham could be of significant benefit to the Durham economy. Science based companies, such as Kromek that have grown within the county from a university graduate who established their business at NETPark, are already proving to be key employers with fast growing opportunities. The company is active in the sectors of nuclear detection, medical imaging and security screening and has bases for R&D and manufacturing in California and Pennsylvania as well as its UK operation centred in County Durham.

Durham City Regeneration Masterplan

31 The council agreed a regeneration masterplan for Durham City in 2014 which has a clear focus on the city centre. It is shaped by recent and emerging strategies, underpinned by robust evidence on growth sectors and population predictions and driven by our desire to broaden Durham's appeal in order to realise its potential.

32 It highlights the strategic links and the priority projects that can be delivered to secure a thriving Durham City with an emphasis upon enhancing the vitality of the city centre in order to maximise economic benefits and to complement market strengths. One of the key strands of activity identified in the masterplan to achieve economic growth is the establishment of a central business quarter to accommodate emerging high growth sectors and to increase private sector employment to create a more balanced economy.

33 Research has been undertaken as part of the County Durham Plan to increase understanding of Durham's economic geography and to identify the business sectors that will support future growth and development. There is a growing financial and professional services sector in Durham that can be seen through companies such as Atom Bank choosing to locate at Aykley Heads. In addition to these sectors, Durham is also well-placed to offer opportunities for research and development, headquarter operations, administrative and sales functions and to link with the emerging manufacturing operations in these sectors in south and east Durham, Tyneside and Wearside. The presence of Durham University offers great potential for research linkage and business spin-outs.

34 In terms of future economic growth, research has shown that new and renewable energies, the low carbon economy and digital and creative industries are emerging areas for growth in the North East economy as a whole. Durham already supports 30 percent of the county's employment in these sectors and is well-placed to attract and support:

- **Digital and creative industries:** these are growing activities in Durham and this sector is anticipated to continue to grow over the next 10 years. There is an existing base of digital and creative industries across the North East as a whole and many Durham University graduates in this field decide to remain in the North East following their studies. Fintech is an emerging market, which sees digital technology used to support or enable banking and financial services. Atom Bank already at Aykley Heads is a leading player, being voted winner of the Mobile Banking Disruptor award at the 2017 Trade Finance Global Excellence Awards and ranked sixth by KPMG in its Fintech Global 100 list in 2016.

- **Services sector**: more generally the city is well placed to support a strong service centre and an emerging financial services focus is already becoming evident at Aykley Heads with Mazars, Swinburne Maddison and Tait Walker.

- **Renewable energy, process industries, environmental technologies and life sciences**: the North East is particularly strong in these sectors. NETPark - the North East Technology Park at nearby Sedgefield - is the only science park in the North East and is an internationally recognised location for science and technology companies. It is the only science park in the UK with two Catapults: High Value Manufacturing and Satellite Applications and six Centres of Excellence. NETPark is an example of the significant success that can be achieved in County Durham with the focus and level of ambition the council and key partners share.

- **Health:** NETPark is also home to a number of innovative healthcare companies. CPI is to open a new national Centre for Healthcare Photonics in 2018 to provide open access facilities and expertise to help companies develop and commercialise the technology which is making breakthroughs in, for example, the treatment of diabetic retinopathy through PolyPhotonix. In addition, links to the University Hospital and the potential opportunities to develop data analysis and innovative healthcare solutions are also a potential market going forward.

- **Further/higher education and university spin outs**: an area recognised by both Further Education and Higher Education sectors as an area of opportunity. The recent collaboration between the council, Durham University and New College Durham to create incubator space at Salvus House demonstrates this point.

35 Business sites on the fringes of Durham, at Belmont, Dragonville and Meadowfield offer a wide choice of premises and sites for office, manufacturing and logistics enterprises. Recent developments at Belmont have been successful and enhance the location's appeal to smaller occupiers and to growing SMEs, although it is largely occupied. The smaller Dragonville estate is largely occupied but offers potential for affordable business development; however little expansion space is available. Meadowfield offers some opportunities, but the site is less central.

The Vision for Aykley Heads

36 The county's regeneration strategy has recognised for some time the need for a new central business quarter and the significant opportunity presented by the redevelopment of Aykley Heads, a 32 hectare site within walking distance of the city centre and with the competitive advantage of being adjacent to the main line train station.

37 Analysis of the potential of the Aykley Heads site has been ongoing in the last few years, particularly with the focus that the existing business location to the northern part of the site has secured. This can be seen with the decision of Atom Bank to locate temporarily in Northumbria House and their subsequent and permanent move to the Rivergreen Centre as well as the fact that there are already 1,300 employees within approximately 40 companies (excluding

DCC) already based on the site. There is clearly proven demand for the location.

38 Appreciating the potential of the site, in July 2015, the Council agreed in principle to the release of the Aykley Heads site as a Strategic Employment Site (SES) and a major employment centre for the private sector, subject to the Outline Business Case for the council's own headquarters (HQ).

39 The vision for Aykley Heads is to create a new and unique business location for the North East that maximises economic growth in County Durham and delivers jobs in new and growing sectors with the aim of providing a high quality employment location that contributes to the delivery of new and better jobs. Development of the site will provide a high quality modern central business location, in a mature parkland setting, within walking distance of the mainline train station and city centre and provide a unique work and lifestyle offering.

40 The Strategic Objectives for the SES have been established as follows:

- Maximise economic impact for County Durham;
- New job creation in Durham City;
- To create an income for the council;
- To deliver a business location of the highest quality; and
- To create an environment where people want to work.

41 Durham City is the commercial centre for the county, as well as a key asset from which to drive future jobs growth and improve the economy. The relative strengths of the area have long been recognised with Durham City historically acting as the county's administrative centre. Overall, Durham City currently provides one fifth of the county's business base and one third of its employment. However, the majority of these jobs are based in the public sector and there is a need to provide better opportunities for the private sector to deliver economic growth within the city in order to support the long-term economic sustainability of the county.

42 There has been considerable recent change within some of the public sector estate in Durham and this has retained 1,200 jobs within the relocated Passport Office (HMPO) and National Savings and Investments (NS&I) facilities at Freeman's Reach. Discussions with the Government's Property Unit under the One Public Estate Initiative are ongoing to consider other opportunities which demonstrate Durham's commitment to retaining the public sector employment that is based within the city and which works well for the agencies involved due to their access to a highly skilled workforce. This consolidation sees Durham City as an administrative centre for the sub region, driving employment and expenditure into the city centre as well as providing the capacity to release the Aykley Heads site as a high quality-office development site.

43 Across County Durham, there are significant economic opportunities and the county is well placed to grow from private investment going forward. To complement these opportunities, the city needs a central business quarter. Aykley Heads presents a high quality city based site, laid out in campus style that respects and embraces the beautiful natural landscape of the site, has a direct adjacency to a main line train station, meaning it is 2.5 hours by train to London, and with amazing views to the World Heritage Site. Sites of this calibre are rarely available and there is currently nothing that matches it within the North-East. The potential it offers for the economy of the county and the North East region is important and therefore in order to achieve the economic ambitions of the city, county and wider region it is necessary to consider the relocation of the council's headquarters and archive.

44 Should the large and dominant County Hall remain on the Aykley Head site, its location dominates phase 2 of the site, thereby reducing the likelihood of the development achieving critical mass, or establishing the brand and image that are essential to its overall delivery. There is a consequent impact on the employment levels that can be achieved and whilst employment would clearly remain in County Hall, this would displace a large proportion of the circa 2700 jobs that are expected to be delivered as part of phase 2 of the development.

Strategic Employment Site Progress to date

45 To understand the approach to developing the SES, a professional team of advisors was appointed in November 2016 to assist with the production of a Development and Delivery Strategy. The three key deliverables are:

- *Development Review, Infrastructure and Costings* – To undertake a detailed assessment of the site, infrastructure and utility requirements. Provide an assessment of likely costs and planning conditions and provide a phasing and programme plan.

- *Options Appraisal and Deliverability* - Undertake an appraisal of the options and detail the implications in relation to risk, finance, legal and procurement issues. Recommend a preferred delivery vehicle and propose the most appropriate procurement route.

- *Funding* - Produce an investment strategy that is capable of delivering a financial return to all investors including the council; and commercial strategy for the site including investor, developer and occupier requirements and recommendations detailing how these can be met.

46 To complement the Development and Delivery Strategy, specialist landscape advisors were appointed in October 2016 to produce a Landscape Strategy/Masterplan. The commission involves undertaking a baseline audit of the key landscape and ecological features and attributes of the estate which provides an understanding of how the estate functions within the geography of the city, linking pedestrian and cycling routes, and relationships with nearby residential and business uses. It aims to influence the development of the site as high quality, accessible and attractive natural greenspace, incorporating a major new urban country park, which will also

retain the DLI memorial garden. This means that the site will continue to provide a resource for the wider city community as well as a high quality setting for new businesses that is both attractive to inward investors and providing opportunities for a healthy and active lifestyle for employees.

Aykley Heads Planning Policy

47 The Durham City Regeneration Masterplan adopted in March 2014 and updated in November 2016 sets out the council's regeneration priorities for the city of Durham. It details major projects and identifies opportunities that have the potential to make a real difference to the city and achieve the desired levels of growth for the wider area.

48 The redevelopment of Aykley Heads as a prestige business park is one of the major projects referenced in the masterplan and its potential to attract significant private sector investment was highlighted in the Issues and Options of the County Durham Plan published in the summer of 2016. Appropriate policies to enable the development of the site will be included in the Plan as it progresses. This will ensure Durham is well placed to support local companies as well as attract national and international companies and will drive economic growth through facilitating private sector investment and employment.

Redevelopments at Aykley Heads Business Park

49 Due to demand for smaller office space on the Aykley Heads site, the council acquired Salvus House in June 2016 and launched it as a business centre and incubator with a range of offices, hot desks (permanent and daily) and virtual office facilities. Current occupancy figures are very positive only a year after the launch of the facility with 13 offices let, two reserved and two larger offices available but with strong interest. The building also provides a range of hot desking opportunities for both flexible and permanent booking. Durham City Incubator is to open in the building in January 2018 in partnership with Durham University and New College Durham to support graduate start-ups. Overall, occupancy is ahead of target and the Business Durham team are working on enquiries to let the remaining space and it is envisaged that Salvus House will be fully let in the near future.

50 Atom Bank were previously located in Northumbria House, a council owned building. Although they were given the option via Rivergreen Developments of a purpose built HQ on the former bowling green site, their plans have evolved and in April 2017 they relocated to the Rivergreen Centre and now occupy the whole building. Latest employee figures are at approximately 300.

51 Since Atom Bank has moved into the Rivergreen Centre, Northumbria House has become available. Within a matter of weeks, several enquiries were received for occupation of some or all of the council owned facility. Currently, we are working with a Durham based company who has expressed a clear demand to take full occupancy of Northumbria House as they seek to grow and compete for national contracts serviced from Durham whilst remaining within the Durham City area and being part of the Aykley Heads community going forward.

Strategic Employment Site Current Position

Development, Delivery Strategy and Masterplan Development

52 Aykley Heads is currently a successful business and employment location, providing a home to a wide range of professional and business support organisations.

53 The masterplan is being developed with a sensitive approach to ensure the mature parkland setting is retained as much as possible, as it is a key feature of the site. As part of the Landscape Strategy, character areas of the site have been identified and further development of schematics to illustrate the functions of the site are in development. Opportunities and constraints are being developed alongside proposing functions and place making – particularly in relation to later phases of the development which may have temporary functions, such as car parking in the intervening time period. Past landscape initiatives within the estate are being explored to determine how the landscape is likely to change within the next few years. Ecological surveys have been undertaken across the site and there are no significant issues that have arisen that cannot be managed.

54 To date the following exercises have been undertaken:

- Topographic surveys have been undertaken and computer generated contour maps created.
- The proposed levels for each of the building plots have been reviewed to provide the most efficient cut and fill.
- 3D massing has commenced and floorplates created.
- Solar orientation analysis has been undertaken to check building separation distances and draft illustrative images have been created to illustrate the position.

55 **Appendix 2** shows the summary masterplan and development plots. The site has been divided into four zones, each with its own distinct characteristics as follows:

- **Northern Zone – Phase 1**. The Northern portion of Aykley Heads occupies the land to the south of the access road which serves the new Police Headquarters and Rivergreen Centre. It has a more defined characteristic of building development than the rest of the site, and includes the existing Aykley Heads Business Park and Grade II Listed Aykley Heads House. It also accommodates Northumbria House and Salvus House. The land is owned by the council with the exception of one plot that is owned by Durham Constabulary. The existing

developments and identified plots available in this area are deliverable without the need for large amounts of new infrastructure and should therefore be considered for marketing and delivery in the early phases to stimulate interest and demand in the site.

- **Park Gateway – Phase 2.** This area represents the entrance gateway to the Strategic Employment Site and is already known by the general public as the entrance to County Hall. The new proposals aim to retain the same overall scale/quantum as County Hall, but with buildings moved closer to the road, and kept to a reduced height overall. County Hall is approximately 390,000 sq ft, the proposed gateway developments will be approximately 370,000 sq ft with scale and massing between three to five storeys getting higher towards the rear of the site. The land is entirely in the ownership of the council. The space will also include a water feature, structured public landscaping and seating as well as a new cycle and pedestrian route linking the site from north to south. Small facilities will also be located for supporting A1 (Shops) and A3 (Food and Drink) uses serving the primary office users as well as providing facilities for the general public, these are described as 'kiosks' in the masterplan, but are in effect small buildings to be built within the appropriate phases of development that will provide valuable amenity services to occupants and the local community.

- **Parkland Plateau** - The rear of the site is largely composed of a flat plateau with a prominent edge to the south-east. This area is in the ownership of a third party and is contained within the greenbelt. To the north-west is the back of the site, which is bordered by trees that form the central woodland spine. The proposal is to arrange buildings in three zones, ranging from small single storey pavilions that are in part earth sheltered through to three storey buildings. The overall effect of a gradual tiering up of mass towards the back of the site is intended to reduce the visual impact of the development on the exposed plateau. The market report does not envisage the plateau site coming forward until the other areas of the site are close to capacity and the necessary infrastructure is in place. This produces a timeline where the buildings do not come forward to around 2034, i.e. beyond the time period of the County Durham Plan. There is therefore no need to provide a policy context for this area in the version of the County Durham Plan that is currently progressing but it will be included in a future review of the Plan as necessary.

- **Southern Gateway -** This area is partly occupied by the car parking provided by Network Rail . It is a prominent gateway for the station and also marks the transition of the edge of the urban core into the suburbs and parkland beyond. It provides an extension of the city centre and a gateway link through the Railway Station and the Milburngate House site.

Development Assumptions

56 A comparison of the Gross Internal Area (GIA) and Net Internal Area (NIA) has been undertaken to inform the costing and appraisal work. High level viability has begun to be assessed based on the likely costs of construction. Option appraisal workshops have also been undertaken to explore the various arrangements necessary to deliver the scheme. The key findings are outlined below:

- 718,000 sq ft office development;
- 77,000 sq ft supporting development, including hotel and amenity kiosks;
- Over 6,000 jobs created;
- Circa £200 million total construction cost at today's prices, which includes the demolition cost for County Hall of circa £5 million and highway infrastructure costs of £5 million;
- Estimated overall revenue surplus for the council dependent upon delivery vehicle adopted and the council's investment strategy. This will be fully assessed in the coming months to determine the optimum approach for the council;
- £1.5 million - £1.7 million annual future business rates after completion before central government periodic business rate revaluation.

57 A further report proposing the investment approach will be brought forward in early summer 2018. This will set out the proposed delivery method or vehicle for Aykley Heads.

Indicative delivery approach, timescales and initial financial assessment

58 The table below is based on delivering the full masterplan and provides a summary of the number of jobs that could be delivered across the site, along with the estimated capital costs per plot:

Item	Proposed Job Nos
County Hall Demolition	N/A
Site A South(1)	622
Site A South(2)	352
Site A North	1,241
Site B (S106)	924
Site C	203
Site D	400
Site E	376
Site F	1,927
Total	**6,045**

59 The site will be delivered across three phases, as follows:

Phase 1 – Northern Zone
Sites C, D, & E - 2018 – 2025
Creating 979 FTE jobs

Phase 2 – Park Gateway
Sites A South (1), A North, B – 2021 – 2034
Creating 2,787 FTE jobs

Phase 3 – Parkland Plateau
Sites A South (2), F – 2034 – 2040
Creating 2,279 FTE jobs

60 The timescales for the development of a new office park are governed by office take up rates. It is always difficult to accurately assess development timescales particularly in locations where the office park will change the historical trends of the office market. However, as part of the market demand work, it is considered that the average office take up for Aykley Heads would be in the region of 2,787 sq m (30,000 sq ft) per annum. This would therefore equate to a development timescale of approximately 20 years.

61 In order to move the development of the site forward by providing certainty to the development and investment markets, as well as to aid marketing, it is intended to submit an outline planning application for Phase 1 and 2 by September 2018. The planning application will reflect the approach to considering development on greenbelt land playing pitches referred in the section describing the Parkland Plateau. This will provide certainty and confidence to the market irrespective of the procurement approach to deliver the site. However, it is also proposed that should early demand be forthcoming for Phase 1 land, the council should progress with this element at the earliest opportunity.

Initial Financial Assessment

62 The costs incurred and income generated from the development of the Strategic Employment Site will be dependent upon the preferred delivery approach. The options available range from the council selling the site to a prospective developer through to the council developing the site itself. It is anticipated at this time that the final approach will incorporate a mixture of the scenarios outlined below to provide the greatest flexibility to deliver the overall scheme.

(a) Sale/Land Disposal

The council sells the site to a developer receiving a capital receipt for the value of the land. This sale value would be based upon a cleared site and therefore demolition and clearance costs would need to be deducted from any capital receipt. With this option, whilst the council would generate a capital receipt, and over time also benefit from the additional business rates generated, it would lose control over the final product delivered and there is a risk that any purchaser would seek to bring forward more profitable forms of development in the shorter term.

Due to the long-term approach needed to bring forward the various phases of development in a profitable manner, it is considered unlikely that there would be many developers capable of bringing forward the masterplan in line with expectations.

(b) Council taking head leases

In this model, an institutional investor, with the council using its covenant and taking a head lease over the office premises developed, effectively funds the capital cost of the development. The council then sub-lets onto tenants. There are no capital costs for the council in this scenario. The council would be required to take a commercial risk in terms of securing tenants and charging a rent in excess of the head lease to generate a return. It is expected that the council could generate an annual revenue return in this scenario, subject to long-term occupation levels.

(c) Development led by the Council

In this model, the council develops the site itself, funded by borrowing. This would be the lowest cost from a capital perspective as there will not be any developer profit or disposal fees to pay. Once the site is constructed, the council would enter into leases with tenants for the spaces created and receive an income stream from its tenants. The council would be responsible for all development risks arising from construction. As with the head lease option, the council would take the commercial risk on securing tenants. Unlike the head-lease option, revenue losses would occur in the first 10-15 years due to the need to make debt repayments, however an overall positive return is expected across the whole development period.

63 Overall, it is likely that the council will need to intervene commercially to develop the site. Whilst there are risks with this approach, the council would retain control over the site and if managed effectively, would expect to achieve a positive financial return. This is a long-term approach, which could present an opportunity for the council to retain the asset value.

64 A range of assumptions need to be considered when assessing the financial position of the site. These include:

Item	Assumption
Rental Values	£18.50 to £21.00 sq ft
Build Costs	£1,400 - £1,750 m2
Contingencies	7.5%
Fees	10%

65 The level of surplus will be dependent on the delivery options that are chosen to take forward the development. Further detailed work on the delivery options will be undertaken for inclusion in the summer 2018 report to Cabinet,

which will include an options appraisal and risk analysis, as well as setting out the detailed financial appraisals for the proposed development.

66 The council will also consider opportunities to enhance the scheme through external regeneration funding. Whilst there is no funding identified at this stage, any funding that can be attracted will enhance the financial position of the scheme as it is developed or accelerate the delivery of the scheme.

67 When the Strategic Employment Site is complete, it is estimated the council will benefit from between £1.5 million - £1.7 million additional Business Rates per annum, based on current assumptions of the operating model for business rates retention.

Market Analysis

68 Understanding current and future office property trends is an ongoing process, but in order to try to assess likely market demand for Aykley Heads, specialists in this area of work were appointed in November 2016. This work has shown that emerging intelligence with regard to future office requirements and the characteristics of development locations that expect to generate demand confirms that the Strategic Employment Site could provide an opportunity to deliver a hybrid product which provides a 'Nano Core' alongside 'All – In offices'.

69 Given the high quality parkland setting, proximity to the city centre and World Heritage Site, it is anticipated that the site could establish a high quality and unique business destination that has a unique offer and is ultimately more attractive than most business park products. These concepts are outlined below:

(a) **Nano Cores** are defined as master-planned clusters of buildings that are maintained as an estate with their own branding. The development would include 24/7 security and maintenance, retail and gym elements and integrated features such as cultural events in public areas. Particularly on the edge of Central Business Districts (CBD), they expect mixed commercial and residential Nano Cores to emerge.

(b) **All In Offices** are defined as a mix of serviced offices and tech incubators, whereby small firms pay an all-inclusive rent and co-locate with other firms. Being surrounded by other entrepreneurs is valued by the tenant as replicating the collegiate atmosphere found in a typical office. Even in the start-up world, working alone in a garage or spare bedroom is not for everyone.

70 From the evidence established to date the following trends can be noted:

(a) There is a current general lack of office product available in Durham City and yet almost 50 percent of enquiries to North East England would consider locating in Durham.

(b) Current market demand in Durham City and the wider region reflects the trend that there is predominantly a demand for smaller properties of various size below 20,000 sq ft.

(c) Larger office requirements have been few and within a range of 40,000 – 70,000 sq ft. This is a difficult market to predict but Atom Bank located at Aykley Heads as a preferred option and the site has the ability to accommodate such enquiries.

(d) Modern, high quality office space can establish a premium due to a lack of supply of £20-£25 sq ft rising to almost £30 sq ft for offices less than 1,000 sq ft with flexible leases/licences. For the purpose of financial forecasting a conservative figure of £18.50-£21.00 sq ft has been assumed.

(e) There is strong evidence that other cities/areas in the UK have successfully developed business locations through careful master planning where good transport links prevail in proximity to a busy railway station e.g. Newcastle, York, Taunton, Swindon, Leeds, Sheffield, Cambourne Business Park in Cambridge, Chelmsford Business Park, Liverpool Science Park, Chiswick Park in London.

71 To gain an understanding of inward investor location decisions, associated property requirements and expectations of business parks' offers, further analysis was undertaken through interviews with a range of companies and stakeholders. The key findings are summarised below:

- **Leases** – Most companies preferred short-term agreements wherever possible. For longer-term leases, break periods, a rent-free period and regular rent reviews were negotiated. 66 percent of respondents would agree to a lease 'off plan'. 80 percent advised they would be happy to be the first on a business park as it would allow them first pick of location.

- **Current premises and factors** – Quality of the building and central location. Most companies preferred to arrange fit out themselves.

- **Key reasons for moving to business parks** – Availability of large areas of office space (often difficult to obtain in city centre locations). Cost – limited city centre space drives up rental costs, better value for money on a business park. Community feel and improved work/life balance.

- **Incentives** – a large number had received incentives in the form of rent-free periods, grants for training or workforce development and financial contributions to help towards fit out etc.

- **Expectations of Business Parks** – Effective transport connections and adequate parking spaces, good on site amenities and flexible leasing. High-speed internet connection and robust power supply. Café or shop and communal areas (internal and external).

- **Business parks can differentiate themselves** through their location – locating close enough to a city centre and local amenities, yet far enough out for cheaper rents and abundant space. Larger than normal selection of amenities beyond Monday-Friday 9am-5pm.

- **Key factors to be integrated into a Business Park** – High-speed internet strongly reiterated along with flexible leasing and multi let areas. Novel design (to appeal to larger companies) and excellent green technology credentials. Located close to a city centre.

- **Investing in the region** - The vast majority of these companies would invest in the region if it fitted with their business needs or strategy.

- **Value Proposition for Aykley Heads** – This is a requirement from businesses that would set the location apart and differentiate from the competition, e.g. lifestyle offer, location, eco standards. Over 50 percent answered positively.

72 In order for the development to compete at a wider national and international level to attract employers and leading businesses, there is a need to undertake relevant marketing activity. To progress with marketing, specialists have been retained to produce a marketing strategy and outline promotional framework with associated indicative resources. How this proposed marketing fits with the investment and development strategy for the site will be considered in the future report to Cabinet.

Economic impact

73 The Council has set out a clear vision of ambition within its Sustainable Community Strategy (SCS) of creating an 'Altogether Better Durham'. Currently this vision sees the improvement of the economy as the top priority if the ambition is to be achieved. There is recognition of the gap between County Durham and the regional and national averages in terms of Gross Value Added (GVA).

74 It is the council's ambition that by 2030 County Durham will have a thriving economy and will be bridging the gap in its economic performance with other parts of the North East and elsewhere, with the internationally recognised Durham City as the hub of this sub-region.

75 The economic impacts of the Aykley Heads site are presented in terms of Gross Value Added (GVA) and Full Time Equivalent (FTE) employment. The types of economic activity measured relate to:

(a) **Construction activities** will generate temporary economic impacts, no attempt has been made to adjust figures for inflation.

(b) **Private Sector accommodated on the Strategic Employment Site.** The full site would be able to accommodate a minimum of 600,000 sq ft of office space with the potential to house a minimum of 6,000 FTE jobs.

76 The table below provides a summary of the economic impacts. Gross impacts equal £443.08m GVA and 6,135 FTE jobs. The figures are higher than presented earlier in the report as construction jobs are included. It is recognised that the impact arising from induced expenditure and Aykley Heads tenants, will be realised across the long term.

Scenario	Overall
Construction	
Gross FTE Jobs	107
Gross GVA	£73.7m
Induced Expenditure	
Gross FTE Jobs	28
Gross GVA	c. £680,000
Private Sector accommodated at SES	
Gross FTE Jobs	6,000
Gross GVA	£368.7m
Total Gross GVA	**£443.08**
Total Gross Jobs	**6,135**

77 In addition, to achieve the figures above, there are additional strategic impacts to consider when interpreting the results, not least the increase in private sector employment, bringing footfall into the city centre and/or the potential to distribute employment throughout the county which will be achieved when staff numbers are increased in the strategic office sites.

Strategic Employment Site Next Steps and Timescales

78 To continue developing the project, the next steps are:

- undertake analysis of various options for the council including presenting the financial implications alongside delivery options with a clear risk analysis. This will be undertaken by the project team and will be complete by spring 2018;
- engage stakeholders and implement a communications strategy from early 2018 onwards;
- bring to Cabinet the details of the proposed delivery structure in summer 2018;
- thereafter establish the delivery route with expertise, capacity and a clear marketing plan by autumn 2018;
- prepare and submit planning application by Autumn 2018.

Redevelopment in the City Centre

79 As well as the proposals for Aykley Heads, a number of complementary regeneration schemes in the northern quarter of the city are underway. Freeman's Reach housing National Savings & Investments and Her Majesty's Passport Office was completed in 2016, creating over 9,000 m^2 of office

accommodation, totalling an investment value of £30 million. The development brought a major funding partner into the city, and the scheme overall safeguarded more than 1,200 jobs within Durham City that could have been lost to alternative locations had this scheme not been delivered.

80 The second significant phase of the regeneration will see 60,000m^2 redevelopment of Milburngate House. The site will be mixed use and include residential, leisure and commercial use The demolition works are currently underway and phase 1 of the redevelopment will commence thereafter including a range of occupants including an Everyman cinema, hotel and Pitcher and Piano restaurant. The redevelopment of this key riverbank location will bring vibrancy to the city's leisure and commercial offer.

81 Redevelopment of the Gates Shopping Centre in North Road is also underway with the construction of a multiplex cinema, associated leisure uses, opening up of the riverside walkways and improvement of the retail offer. This will create a draw for the North Road part of the city, which should see significant increases in footfall.

82 The current draft proposals for the North Road area outline the creation of a new bus station and pedestrianised gateway area, providing better facilities and more space for passengers. It is intended to improve connectivity between North Road and other key sites including the train station and the Gates Shopping Centre by creating better links to and through the station to the proposed Strategic Employment Site.

83 Infrastructure improvements to allow people to reach the rail station from Aykley Heads more easily via the path on Framwellgate Peth have recently been completed.

84 Commercial and leisure developments within Durham City continue to be brought forward and the refurbished Old Shire Hall which is due to open in 2018 as Hotel Indigo, a boutique hotel providing a different offering in the city, is further evidence of this wider growth.

85 One of the most important factors for the economic growth of a city is a strong university. Durham University performs amongst the best in the country and in many areas, is a leader in its field. In the Times Higher Education (THE) World Reputation Rankings 2017, Durham is listed among the top 100 universities in the world. In national league tables, Durham is consistently recognised as one of the top universities in the UK. The University is ranked fifth in the Times and Sunday Times Good University Guide 2018, fourth in the Guardian University Guide 2018 and sixth in The Complete University Guide 2018.

86 The University is currently ranked in the world top 40 for the employability of its students by blue-chip companies world-wide (QS World University Rankings - 2017/18). Importantly for County Durham, whilst Durham University's graduates achieve employment success around the world, going forward it is hoped that more graduates will choose to stay in the region and

develop their businesses here, especially if better facilities exist to support their business and employment aspirations.

87 The University's future ambitions have recently been set out in its strategic plan and the masterplan that details its development approach will underpin academic and cultural growth ambitions.

88 Taken together, current investment levels within the city and county are considerable and demonstrate opportunities for further valuable economic growth. Bringing forward the Aykley Heads site to ensure sufficient high quality office space is available in a new central business district is therefore considered appropriate at this point, hence the need for the council to consider the future of its headquarters and the county archive and record office which are currently located within the County Hall headquarters building.

Financial Implications

89 It is important that the financial implications of progressing with the strategic employment site and the individual projects that facilitate it are fully considered.

90 The re-development of Aykley Heads as a high value employment site is a key strategy of the council. The move of the headquarters and archives provide the opportunity for the council to facilitate the creation of a central business quarter, with the associated benefits as set out earlier in this report.

91 Initial financial modelling has been undertaken for the Aykley Heads Strategic Employment Site to estimate the costs of delivering office space with a focus on viability and delivery of a high value jobs site.

92 In terms of the Strategic Employment Site, the financial implications will depend on the delivery model for developing the site. A range of delivery options will be considered as the project moves forward.

93 Capital and revenue implications will be dependent on the specific delivery model chosen to develop the masterplan. The report outlines three broad approaches consisting of a traditional sale, the council taking a head lease and direct development by the council. Initial work suggests that some form of intervention and support will be required by the council if it was to self-develop and deliver the masterplan before achieving an overall financial return. A combination of approaches will be used to develop the site and due diligence will be undertaken prior to making recommendations on the precise delivery model.

Legal Implications

94 All options in the report would be a lawful exercise of the council's general power of competence under the Localism Act 2011. The ultimate selection of a preferred option will require balancing the risk against the opportunities

offered. The council has specific power under Section 120 of the Local Government Act 1972 to acquire land by agreement for the benefit, improvement or development of its area. Under Section 123 of the Local Government Act 1972 the council can dispose of land for the best consideration that can reasonably be obtained. When exercising its powers the council must act reasonably and be mindful of its duty to the public purse. Implementing a project of this nature also interfaces with a range of planning and property issues which the project team will need to address throughout the delivery phase.

Conclusion of Part 1

95 The council's overarching priority is to create an altogether wealthier Durham, improving the economic performance of County Durham as a whole. This priority is reflected in the Sustainable Community Strategy and Regeneration Statement and is the central theme of the emerging Local Plan. The focus is on helping to shape County Durham as a place where people want to live, work, invest and visit whilst enabling our residents and businesses to achieve their potential in full.

96 Recognising the importance of all the county's places, a new approach to regeneration of town and village centres is also being considered and further proposals on this should be forthcoming in the spring.

97 Our overall approach to regeneration and economic development for the county is to capitalise on opportunities and to work with the market to gain growth. We have set a benchmark for the county to pre-recession rates of employment, which requires more jobs, higher value jobs and more employed people living in the county.

98 In order to deliver the aspirations set out within this report and in accordance with the Strategic Business Case and the Outline Business Case for the headquarters, there is an opportunity to bring forward the Aykley Heads site for redevelopment.

99 The development of Aykley Heads as a Strategic Employment Site provides an opportunity to create a distinctive and business location for the North East: providing high quality modern offices and complementary uses in a mature parkland setting with a unique work and lifestyle offering.

100 It has the potential to attract over 700,000 sq ft of development and create over 6,000 private sector jobs redressing the balance between the public and private sector within the city.

101 The site will be delivered across three phases over 20 years beginning with the Northern Zone (Phase 1) in 2018, Park Gateway (Phase 2) in 2021 and Parkland Plateau (Phase 3) in 2034. It is anticipated the delivery mechanism will be a mixture of scenarios to provide the greatest flexibility to deliver the overall scheme and these will be reported to Cabinet later in 2018.

102 Overall, Aykley Heads presents an opportunity to bring forward a site that is of strategic importance for the economic future of the county and region.

Recommendations of Part 1

103 It is recommended that Cabinet:

(a) note the high-level options available to bring forward the delivery of the Strategic Employment Site and agree to a receive a subsequent more detailed report on delivery arrangements in Summer 2018

(b) note the masterplan for Aykley Heads

(c) approve the submission of an outline planning application for the Aykley Heads site

(d) note that the masterplan for Aykley Heads includes development of the footprint currently occupied by County Hall.

PART 2 – DURHAM COUNTY COUNCIL HEADQUARTERS FULL BUSINESS CASE

104 The impetus to free up the site currently occupied by County Hall as part of developing a commercial business quarter for the city has been described in Part 1 of the report.

105 Both the strategic business case and OBC established the case for developing a Durham city centric location for the council's civic and administrative centre subject to the findings of a FBC and procurement process.

106 County Hall is an outdated building that is three times bigger than the Council requires having reduced its workforce by 2600 FTEs since 2010 as a result of the Government's austerity programme.

107 In 2012, the Local Government Association's peer review concluded that the council had performed well since achieving unitary status despite the fact that County Hall provided considerable constraints to adopting modern working practices.

108 A considerable maintenance backlog exists for County Hall meaning a total of £26.3 million will be necessary to maintain the current office configuration. This would simply maintain the outdated cellular office configuration and impede the move to more flexible and agile working arrangements currently being implemented in other council sites such as Crook. A further £49.5 million would be required to move to modern ways of working in County Hall in a manner currently being implemented at the council's strategic sites. This figure includes optimism bias, fees and inflation. It is estimated that in total, £75.8 million of capital would be required to modernise County Hall.

109 Five options that were identified and tested at the OBC stage were further tested at FBC and crucially the preferred option now contains actual cost information derived through a robust procurement process thereby significantly increasing its reliability. The remainder of this part of the report describes the FBC process and findings and those of the procurement process.

110 It concludes that the most cost effective option for providing a civic and administrative centre for the council over the next 35 years is a new build HQ. The capital costs of this option are significantly less than that of refurbishing county hall and the running costs are estimated to be less than the current arrangements. Not only does this option offer the best opportunity to maximise private sector jobs on the Aykley Heads site, it also provides the best value for money. As austerity continues this is a crucial consideration in protecting frontline services through continuing to reduce our administrative estate and running costs.

Business Case Process

111 Recognising the unique and complex nature of the HQ project, the council has adopted the HM Treasury Green Book Five Case Model Business Case methodology for the new HQ project. This process ensures that the council has followed a robust methodology that would normally be considered for schemes requiring either major external grant funding or schemes where the project is of significant scale and value for money is critical.

112 The Green Book process follows a five case model:

- **Strategic Case:** setting out the context for the council's headquarters, current arrangements and the case for change, constraints, and investment objectives**;**
- **Economic Case:** appraising the options and evaluating the potential regenerative value of the various proposed options in addition to the value for money requirements of the economic case;
- **Commercial Case:** indicating the commercial and procurement implications of the preferred way forward**;**
- **Financial Case:** indicating the financial commitment required in terms of capital investment and revenue costs of each option and how the preferred way forward could be funded. It is only at final business case stage with the benefit of procurement that costs can be determined with certainty. At the Outline Business Case (OBC) stage, cost estimates included additional provision for 'Optimism Bias', which is added to the indicative costs to reflect the early development stage of the project. Following procurement, costs become more certain**;**
- **Management Case:** outlining the initial plans to manage the way forward through FBC and delivery.

113 These elements are considered within the strategic, outline and full business cases and since 2015, the council has been working through these five cases.

114 In July 2015, Cabinet considered the Strategic Business Case and agreed the principle of the relocation of the council's HQ to a Durham City centric site subject to an OBC.

115 A year later in July 2016, Cabinet agreed the OBC and the production of the Full Business Case, taking forward two options which were:

(a) to move to a new city centre core headquarters (freehold) on developer owned land and remodelling of the strategic sites (Option 3); and

(b) a new headquarters on council owned land in the city centre delivered by the council and remodelling of the strategic sites (Option 5).

116 Cabinet agreed that the recommended option (option 3) was the preferred delivery route with option 5 being retained as a comparator, with a further report to be brought to Cabinet once the Full Business Case had been completed.

Full Business Case

Short-List Options

117 The five options under consideration at OBC remain at FBC. The intent of each option is unchanged, but the option descriptions have evolved to aid clarity of understanding and reflect that the work on strategic sites is underway. The FBC option descriptions are set out in table 1 below.

Table 1: FBC Short-list options

Option
1. Full refurbishment of County Hall
2. New Build HQ by DCC on DCC land at Aykley Heads
3. New Build in City Centre (freehold – Developer led)
4. New Build in City Centre (leasehold – Developer led)
5. New Build in City Centre (freehold – DCC existing site and DCC delivery)

118 The OBC concluded:

(a) Option 1 was a particularly poor value for money option. It requires continued use of the Aykley Heads site, is high cost and does not allow for the full redevelopment of the Aykley Heads site, which is the key programme objective;

(b) Option 2 does have a slightly lower capital investment and annual revenue cost than the other new build options, however as in the above option it does not allow for the full redevelopment of Aykley Heads;

(c) Option 3 shows strong value for money. It has the highest benefits score against the strategic objectives but the capital investment costs are higher than Option 2 and Option 5, however this option benefits from transfer of development risk to the private sector partner thus providing more cost certainty;

(d) Option 4 has the second highest benefits score but the highest costs in terms of value for money. This stems from: the level of rent a developer would require to commit to delivering a new building; and the increased

costs of renting over a freehold to a local authority. This is the only option where the council would not retain an asset.

(e) Option 5 shows good value for money at this stage. It relies on the council being able to deliver a new HQ building on a site in the city. This option however presents more inherent risk to the council with experience suggesting that this option leaves delivery risk with the council instead of securing risk transfer to the private sector.

119 Taking into account the work undertaken as part of the OBC, option 3 was considered to present the best option moving forward to FBC, due to a number of factors apparent at that stage:

(a) Best fit with the strategic objectives.

(b) Early indications are that it could be delivered within the cost parameters as identified in the July 2015 Cabinet report.

(c) Risk transfer to the private sector.

Benefits

120 A workshop early in the FBC process revalidated the objectives of the development and established measurable benefits to the County. Key amongst these are:

(a) supporting city centre regeneration;

(b) creating employment land by moving from Aykley Heads;

(c) facilitating the creation of high quality jobs;

(d) minimising the environmental impact;

(e) maintaining a civic presence in the city;

(f) delivering accessible democracy; and

(g) creating flexible civic space for community use.

121 The report will now turn to the five cases as part of the FBC process.

Strategic Case

122 The Strategic Case for the HQ project remains strong and has become more compelling over the last 12 months. A Value Tree Workshop in January 2017 demonstrated the objectives for and benefits of the project, which centred on:

(a) enabling the Strategic Employment Site (SES) project(to facilitate the creation of over 6,000 jobs in a high quality new business quarter;

(b) catalysing investment in the city centre;

(c) achieving the best value for money in the HQ provision going forwards; and

(d) making best use of the council's four strategic office accommodation sites.

Economic Case

123 A quality scoring workshop was held on 15 November 2017. Within the workshop, the strategic objectives were re-validated using the Value Tree as a guide and the non-monetised advantages and disadvantages of each of the options were scored against the strategic objectives. Each option was scored and the weighted scores agreed are captured in table 1 below.

Table 1: Quality Scoring Analysis

Option	Weighted Score	Rank
1. Full refurbishment of County Hall	31.3	5th
2. New Build HQ by DCC on DCC land at Aykley Heads	66.4	4th
3. New Build HQ in City Centre (Freehold - Developer led)	**92.5**	**1st**
4. New Build HQ in City Centre (leasehold - Developer led)	79.1	3rd
5. New Build HQ in City Centre (freehold - DCC existing site and DCC delivery)	85.4	2nd

124 The ranking at FBC is consistent with the ranking reported within the OBC.

125 Option 1 is a full refurbishment of County Hall to address its backlog maintenance and enable it to operate as the council HQ, and for the surplus space to be let. The cost estimates have been prepared by an expert quantity surveyor using industry benchmark data for similar works.

126 Given the high level of existing backlog maintenance at County Hall, it would be difficult for the council to continue to occupy the building beyond the near term without committing to a full refurbishment. Hence there is no realistic and deliverable 'do minimum' option available.

127 The value for money assessment completed reinforces the previous OBC finding by indicating that Option 3 - relocation to a new freehold HQ building in the city centre delivered by a private sector developer - is the preferred option to deliver the strategic objectives. This is based on the following factors:

(a) Remaining at County Hall for any longer than the immediate future will have a very high cost and be poor value for money.

(b) It is lower cost to move to a new building than refurbish County Hall (Option 1).

(c) Option 2, the council building a new HQ at Aykley Heads, is just higher cost than Option 3, but its benefits score and value for money are significantly worse.

(d) Option 3 is a city centre HQ delivered by the private sector. It has the highest benefits, enables significant risk transfer and has the lowest cost.

(e) Over time, the city centre freehold (Option 3) has a markedly lower cost than the city centre leasehold equivalent (Option 4).

(f) Option 5 is a city centre HQ delivered by the council rather than a private sector developer. It has a lower, though still good, benefits score, but compared to Option 3 has much more risk retained by the council for the duration of the project and a higher cost.

128 The appraisal completed clearly identifies Option 3 as the most economically advantageous option. It has the highest qualitative score and the competitive procurement undertaken has delivered a significantly lower cost than forecast at OBC. Option 3 was the preferred option at OBC and has been developed through the procurement, including by council land being offered for a future HQ to address the very limited supply of suitable private sector sites available.

Commercial Case

129 The Commercial Case set out within the OBC was fully tested through a soft market testing exercise and validated by external legal advisors. This was followed by an OJEU compliant procurement process the details of which are discussed below.

Management Case

130 The management case addresses the way in which the project will be managed, demonstrating robust and clear governance to provide reassurance regarding the overall likelihood of success for the project.

131 The management case evaluation has shown that project management has ensured that the project and associated governance arrangements have been effective since approval of the OBC in July 2016.

132 Subject to Cabinet consideration, appropriate resources will be allocated to ensure the project is delivered successfully.

Procurement of the new HQ

Development of the Council's Requirements

133 Prior to going to the market formally, in the period October to December 2016 a set of council Authority Requirements (ARs) were produced that further developed the key principles and corporate brief set out in the Cabinet report of July 2016. The ARs effectively form the council's headline specification for the HQ.

134 The ARs used a workshop approach to establish the needs of the range of people who will occupy and use a new headquarters. This included:

(a) a value workshop to review the key objectives of the headquarters building and set the overall standard for its look and feel;

(b) a cross party Member Accommodation Working Group that met periodically to define the civic requirements and Members' accommodation needs for the future;

(c) a series of workshops to define the mechanical and electrical requirements of a new building taking into account sustainability and efficiencies in running costs;

(d) focussed consideration of security within a new building including visitor management;

(e) a series of design workshops to further develop the 7:10 desk ratio and other metrics used to define the office spaces including meeting rooms; and

(f) ICT workshops to review the use of technology and how it might increase the efficiency of services delivered by the Council.

135 Alongside this, key criteria were developed to deliver new ways of working across the council's wider office estate. This has become the Inspire programme - transforming delivery of the office environment and the way we work in order to more effectively and efficiently deliver our services.

136 In summary, the council specified a requirement for a building that would:

(a) be welcoming to the public in front facing areas whilst ensuring security for all occupants of the building;

(b) be flexible for community use and have the ability to generate income for the council;

(c) express the civic nature of the activities that it supports;

(d) accommodate 1,000 full time equivalent staff posts across 700 workstations with alternative work settings allowing for flexible working;

(e) contain an 85 seat publicly accessible café;

(f) include 1,432m2 of civic space including a debating chamber, committee rooms, political group rooms, a resource area and a high quality civic suite;

(g) promote a healthy environment;

(h) be energy efficient in its operation;

(i) be set in a landscape that integrates into the wider context offering opportunities for community events; and

(j) provide 200 parking spaces controlled by the council.

137 A number of key themes were presented in the ARs:

(a) Facilitating the council's change programme;

(b) Drawing inspiration from the heritage context whilst delivering a contemporary building;

(c) Supporting new ways of working such as hot-desking and working in multiple locations;

(d) Creating a task based working environment to aid greater collaboration and flexibility in the workplace;

(e) Encouraging public interaction without compromising security;

(f) Expressing the civic nature of the building;

(g) Creating a healthy office that contributes to the wellbeing of the occupants;

(h) Allowing effective exchange of information and knowledge through the arrangement of departments and teams;

(i) Paying due regard to the community in which it sits; and

(j) Is adaptable to accommodate possible future changes including opportunities for sub-letting and income generation.

138 The council also specified that the procurement process should fully support its social value initiatives and deliver training and employment opportunities. This includes assisting the authority in delivering its duties under the Public Services (Social Value) Act 2012. Therefore the council also ensured that the contract, as well as providing the new HQ and the associated employment generated, will deliver wider social value for the community.

The Procurement Process

139 As part of the commercial case, the council undertook a procurement process. The procurement was judged to be complex and requiring structured engagement with any potential bidders. The OBC analysis and soft market testing confirmed that a private developer scheme via a Competitive Dialogue procedure was most strongly aligned with the key procurement drivers and would achieve the optimum risk transfer position for the council.

140 The soft market testing established that developers were keenly interested in delivering a new headquarters for the council but that developable land was scarce in the city centre. In order to ensure that value for money was achieved and as per the Cabinet approval, development was sought by a private developer on either developer or council owned land.

141 Whilst developers were able to bring forward sites under their control, a plan of the council owned land considered appropriate for this project within the identified geography is attached as appendix 3. Three council owned sites were identified as having the potential to meet the requirements for a building and associated car parking. Through offering up these sites to developers, the council could achieve its overall objectives, including regeneration, as well as be assured of a competitive process resulting in the best value for money solution. A massing exercise was carried out which showed that all three sites were of sufficient size to accommodate the new HQ, but that planning restrictions meant that only one of the sites, the Sands car park, could accommodate the HQ whilst the other two sites facilitated car parking. This option was on the understanding that any existing car parking would be re-provided.

142 Following soft market testing, an OJEU Notice was issued in March 2017 together with a Selection Questionnaire (and all required documentation). An Invitation to Participate in Dialogue (ITPD) was then issued to four short-listed bidders in May 2017. The council closed dialogue with all four bidders in September 2017 and then issued an Invitation to Submit Final Tenders (ITSFT). Four bids were received and an evaluation process was completed.

143 The nature of the procurement and the competitive tension it brought, combined with the clarity of the council's requirements, delivered lower cost financial proposals than had been anticipated at OBC stage. Of the four proposals received during the procurement, the scheme proposed by the 'Preferred Bidder' represented the most economically advantageous bid, and has formed the basis of Option 3 in the FBC.

144 As set out in the procurement documents, a "Reserve Bidder" has also been selected based upon being the second highest scoring bidder. The Reserve Bidder will only be approached should the preferred bidder not perform during the PDSA period.

145 The Preferred Bidder's submission was used in the FBC to evaluate the case for moving forward with that option.

146 Subject to Cabinet approval, the council will issue a notification to all bidders in accordance with the Public Contracts Regulations 2015 and the standstill period will then commence.

147 All of the bid submissions were well received by the council and each scheme would have added a new dimension and quality offering to the physical fabric of the city. However, the rigorous procurement process established that the most economically advantageous bid offered value for money, clear deliverability and met the authority's requirements in the most consistent and appropriate way.

Proposed Next Steps

148 Subject to Cabinet consideration of the various matters related to Aykley Heads and the HQ, it is proposed that Preferred Bidder status will be confirmed in January 2018. The mandatory Alcatel 10 day standstill period will follow the notification of the intention to award the contract.

149 Following the Alcatel standstill period, it is proposed that delegated authority would be used to enter into a Pre-Development Services Agreement. This is the next phase of the project which it is anticipated will run until Autumn 2018. This will allow further development of cost and design up to RIBA stage 4, planning approval to be sought and any outstanding matters to be addressed.

150 On satisfactory completion of the matters set out above it is proposed that delegated authority will be utilised to enter into the Development Agreement, which is the key contract documentation that will be executed for the delivery of the new HQ.

Inspire Programme and Strategic Office Sites

151 The council has embarked on a major programme of transformation to identify ways of continuing to provide the best possible services to local people with the reducing resources that are available to us.

152 A key component of the Council's transformation programme is the 'Inspire' project, which aims to rationalise our estate whilst modernising buildings to promote customer accessibility and service, improved productivity and more flexible working opportunities for staff. This is being achieved through improvements to building design, mobile working, digital working tools and hot desking and supported by cultural change.

153 The strategic business case and OBC confirmed the council's distributed administration model with major business premises in Crook, Seaham, Spennymoor, Meadowfield and the Durham HQ.

154 The OBC has factored in the options for facilitating the downsizing of the HQ and the relocation of approximately 850 employees to strategic sites and recognises the investment required in the Council's strategic sites to facilitate the change required. Work is currently underway at the Crook strategic site.

155 The new HQ and strategic sites provide the Council with the opportunity to modernise the estate and to transform how our staff work in the future. Buildings that facilitate team working and flexible working opportunities will support the transformation of services over the medium to longer term.

156 The new headquarters forms a key component of the Council's strategic site development and transformation programme and continues the rationalisation of our office estate since LGR, which has seen a reduction of approximately 400,000 sq.ft. Without the availability of a modern, well designed estate, the Council will not be in a position to fully transform the way its staff work or how it provides services, which will place further pressure on identifying savings in other service areas.

Financial Implications

157 The detail of the capital implications of the new HQ are set out in the part B cabinet report. The capital costs associated with the investment in the Aykley Heads site and subsequent investments in the new HQ will be included in the council's MTFP capital plans over the medium term. As reported to Cabinet in October 2016, the Office Accommodation Capital Reserve (£40m) is available to finance the capital investment in a new HQ.

158 The revenue implications of the new HQ are also set out in the part B Cabinet report. The revenue costs and savings associated with the move to a new HQ will be included in the council's MTFP revenue plans over the medium term.

Legal Implications

159 In order to complete the FBC for the HQ project and secure a new building within Durham City constructed to the Council's requirements, the council is obliged to undertake a procurement exercise that is compliant with EU Directives and regulations and the Public Contract Regulations 2015 (PCRs). Regulation 26 (4) of the PCRs provides that where a contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, complexity or risks attached to it, a competitive dialogue procedure may be undertaken.

160 Given the complex nature of the HQ project, a competitive dialogue procedure has been followed in accordance with regulation 30 of the PCRs. Dialogue was concluded in September 2017 and the bids evaluated on the basis of the award criteria laid down in the IFST in accordance with regulation 30 (19) of the PCRs. A bidder has been identified as having submitted the tender representing the best price-quality ratio in accordance with regulation 67 of the PCRs (the Preferred Bidder). The procurement documents issued by the Council also provided for a reserve bidder who has also been identified.

161 The dialogue process is still ongoing and if Cabinet decides to accept the outcome of the evaluation of the bids, the Council will issue a notice of its decision to award a contract (the PDSA) to all bidders in accordance with regulation 86 of the PCRs and allow a standstill period under Regulation 87 before entering into the PDSA.

162 Regulation 30(20) provides for the continuation of negotiations with the Preferred Bidder provided that this does not have the effect of materially modifying essential aspects of the bid and does not risk distorting competition or causing discrimination.

163 Negotiations will continue with the Preferred Bidder under the PDSA in accordance with regulation 30(20). If successfully concluded, the Council will then enter into the DA which governs the construction phase of the HQ project.

Conclusion of Part 2

164 The council's overarching priority is to create an altogether wealthier Durham, improving the economic performance of County Durham as a whole. This priority is reflected in the Sustainable Community Strategy and Regeneration Statement and is the central theme of the emerging Local Plan. The focus is on helping to shape County Durham into a place where people want to live, work, invest and visit whilst enabling our residents and businesses to achieve their potential in full.

165 Our overall approach to regeneration and economic development for the county is to capitalise on opportunities and to work with the market to gain growth. We have set a benchmark for the county to pre-recession rates of employment, which requires more jobs, higher value jobs and more employed people living in the county. The city of Durham offers a unique opportunity to achieve all these things.

166 In order to deliver the aspirations set out within this report and in accordance with the Strategic Business Case and the Outline Business Case, there is an opportunity to bring forward the Aykley Heads site for redevelopment.

167 To deliver this key opportunity, the council has undertaken a Treasury Green Book Five Case Model Business Case process and been able to complete the Full Business Case. Through a well-designed and very robust procurement process, the FBC has clearly demonstrated that the selected option can deliver the council's requirements, adds value to the ongoing regeneration of Durham City, offers value for money in construction costs and saves the council money year on year in terms of running costs.

168 This is further evidenced through the independently produced Full Business Case that shows that to address the refurbishment backlog in County Hall and redesign the building to provide the council with the ability to work in a more

flexible way would cost over £75 million. It would therefore cost over £25 million more to refurbish County Hall than to move to a new HQ.

169 The FBC presents a recommended option for the council to consider. Due to the commercial confidentiality of the bidders' information, this is presented in the associated Part B report for Members' consideration.

170 By accepting the outcome of the robust procurement process and moving to the next stage, the council would be entering into a Pre-Development Services Agreement with the Preferred Bidder who would be required to move the outline design of the proposed scheme into detailed design to RIBA Stage 4 and secure satisfactory planning consent. Subject to this, the council would thereafter sign a Development Agreement for the Preferred Bidder to build the HQ.

Recommendations of Part 2

171 It is recommended that Cabinet:

(a) endorse the key findings of the FBC as set out in this report and subject to consideration of the related report in Part B:

i. Note that the detailed financial information is set out in the part B report on this agenda and that the Office Accommodation Capital Reserve is available to finance the project and the capital costs, on-going revenue costs and savings and one-off costs of the project will be incorporated into future MTFP reports.

ii. approve the outcome of the procurement process to select a Preferred Bidder and Reserve Bidder;

iii. delegate authority to the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources in consultation with the Cabinet Portfolio Holder for Economic Development and Regeneration and the Cabinet Portfolio Holder for Finance to enter into a Pre Development Services Agreement (PDSA) with the Preferred Bidder;

iv. delegate authority to the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources, in consultation with the Cabinet Portfolio Holder for Economic Development and Regeneration and the Cabinet Portfolio Holder for Finance, to enter into the Development Agreement for the new HQ following satisfactory planning approval provided that the Preferred Bidder achieves the council's requirements during the PDSA period.

PART 3 – FUTURE OPTIONS FOR THE COUNTY ARCHIVE

172 The County Archive is an unbroken record of the historic county of Durham, stretching back almost 900 years. Its written and photographic records provide a unique insight into the history and heritage of the county, its people and local communities.

173 As it stands, the archive contains over five miles of storage in County Hall. It is fast out-growing its current accommodation and additional storage capacity needs to be provided to enable the service to collect, preserve and store future historic documents and continue the unbroken record of the history of the county.

174 As part of the consideration of the redevelopment proposals for Aykley Heads and the creation of a strategic employment site capable of creating over 6,000 jobs, officers have also been considering options for potentially relocating County Hall to another location.

175 Should this happen, it would also be necessary to relocate the current archive and the associated Durham County Record Office, which provides public access to the important and unique records the archive contains.

176 In consideration of the OBC in July 2016, Cabinet agreed that alongside the work to assess and identify the most cost effective options for the council's HQ, complementary work should commence on exploring new and potentially innovative future options for the County Archive, with a view to potentially applying for external funding support from the Heritage Lottery Fund.

177 This report outlines the options considered, including the potential development of a new 'Durham history centre', as part of a wider cultural and service development in Durham City.

The Archive

178 The council has a statutory requirement to preserve public records and the County Archive and Record Office is a hugely popular and highly valued council service. It provides a comprehensive record of the industrial and social history of the local area going back almost 900 years. It provides evidence of past decision making to hold government and organisations to account. Each year, the service is accessed over one million times as people search for records and historical information online, over the telephone or in person by visiting the Record Office.

179 The service is provided by highly skilled and professional staff, who work with volunteers to preserve, document and interpret records and promote public access through research projects and outreach programmes with local community groups and schools.

180 The archive has been based in County Hall since the building opened in 1963.

181 Over time, as the building has aged and the archive has grown, the accommodation has become outdated and unsuitable, and there is insufficient future storage space for this important heritage asset.

182 The archival storage rooms are almost full and there is a need to modernise the accommodation and service offer.

183 An independent peer review of our current facilities undertaken in August 2016 concluded that:

(a) the layout of the archive service was one of the most inefficient seen;

(b) the general environment was poor, with worn accommodation and battered surfaces;

(c) the general impression was 'old-fashioned' and slightly depressing;

(d) the Record Office provided an unattractive, even unworkable destination which prevents us from attracting more service users and developing the audience for this important heritage and cultural asset.

184 In addition, an inspection last year by The National Archives, which approves the council as a place of deposit for the public record, provided limited accreditation for a period of six months commenting:

(a) the council's recent practice of converting office space for archive purposes as opportunities arise cannot be seen as a long term solution to the requirements of the Record Office; and

(b) it is becoming difficult to operate effectively and efficiently due to the increasingly apparent constraints imposed on the service by the configuration of the building.

Future options

185 If the council decides to progress the redevelopment proposals for Aykley Heads and the relocation of its headquarters accommodation to another site, the following options for the future provision of the Archive and Record Office are apparent:

(a) Establishing accommodation for a similar level of service provision as now at an alternative site – the 'like for like' option;

(b) Establishing accommodation for an enhanced service co-located with other cultural and service assets at an alternative site – the 'value added' option;

(c) In addition, a 'status quo' option has also been considered, based on utilising the existing accommodation in the current way.

Like for like option

186 This option is based on providing fit-for-purpose storage accommodation for the current Archive and Record Office with capacity for 25 years' growth at an alternative location.

187 To do this as cost-effectively as possible, it would not be included with the proposed headquarters building as accommodating substantial amounts of document storage in city centre office space does not offer value for money. This option is based on developing primarily 'storage' accommodation via a new storage warehouse building or converting an existing building to such.

188 This option would meet the current and future needs of the Archive and would provide the National Archive Inspector with assurance that the council is able to provide fit-for-purpose storage and accommodation for its archival records.

189 It would enable us to maintain online and telephone service provision. It would be less likely however, to enable us to increase in-person service provision and broaden the audience for heritage assets due to the rudimentary and stand-alone nature of the provision. As such, it would be less likely to enable us to secure funding from the Heritage Lottery Fund, which places a priority on audience development and the conservation and restoration of heritage assets.

190 Initial capital cost estimates for this option based on current and future accommodation requirements and a countywide search of potentially suitable sites, are up to £11 million depending on location and site costs.

Value added option

191 This option is based on co-locating the Archive and Record Office with other cultural and service assets to create a much more attractive service offer and public destination/venue. The option was highlighted through the countywide search of potential sites, public consultation and discussions with other services interested in the synergy which could be achieved by co-locating complementary service provision in a distinct and attractive venue.

192 Experience elsewhere has shown that co-locating and massing cultural and heritage assets and services has increased service usage, attracted more external funding and created more sustainable service provision.

193 This option is based on bringing together all of the council's written and photographic history records, alongside the Durham city registration office and potentially other heritage and military collections with shared values and functions, into an integrated service, which would provide improved public access to important resources. This could include:

(a) The council's archive and record office

(b) Historic registration records

(c) Historic environment record and archaeology

(d) Local studies collections

(e) Durham Register Office including registration of births, deaths, marriages and civil partnerships

(f) Bishop Auckland Register Office

(g) Wedding venue

(h) DLI collection

(i) Research space for schools

(j) Exhibition space

194 Enhanced educational facilities could be provided to improve the popular service offer to schools across the county and Darlington, alongside exhibition space, research facilities and space for volunteers.

195 A key aspect of this option is the restoration of a heritage asset to provide fitting and attractive accommodation for history or records related services, which would also enable us to bring a redundant building back to life.

196 The countywide search of suitable sites identified Mount Oswald Manor on the outskirts of Durham City as a potential location.

197 This Grade II listed building, built in 1800, was owned by Thomas Wilkinson, a former mayor of Durham City. It was acquired by Durham City Golf Club in 1928 and as well as being the club house, also became an established conference and functions venue in the city, specialising in wedding and funeral receptions, proms, society dinners and large functions and events.

198 The current owners have expressed an interest in working with the council to explore transferring the building into public ownership at a nominal cost in order to facilitate the development of a ‘Durham history centre’ as outlined above.

199 As with ‘like-for-like’, this option would meet the current and future needs of the Archive and would provide the National Archive Inspector with assurance that the council is able to provide fit-for-purpose storage and accommodation for its current and future archival records. It would enable us to maintain existing service provision and the co-location with complementary collections and services including registration and DLI records offers the prospect of appealing to a broader range of audiences and attracting more service users.

200 The potential restoration of a Grade II listed building of historic civic importance would be more likely to attract support from the Heritage Lottery Fund.

201 Co-locating the service with the Durham city registration office offers the potential to share overhead costs between services and provides an alternative long term solution to the accommodation needs of the registration service, given that the existing lease on Aykley Heads House in Durham City is coming to an end in the next few years.

202 It is proposed that the improved registration offer will include co-location of the registration records and ceremony rooms currently operating from Bishop Auckland Register Office, offering the opportunity to move from a building that is not fit for purpose for the storage of records. Arrangements are being made to ensure that the registration service still has a presence in Bishop Auckland for the registration of births and deaths.

203 Initial capital cost estimates for this option range from £14.8 million to £17.7 million, with the upper end of the range including a substantial worse case contingency, given that detailed costings have yet to be undertaken.

204 It may be possible to secure up to £4 million of Heritage Lottery Fund grant, which could bring the project costs down to between £10.8 million to £13.7 million, depending upon the outcome of an application.

205 The running costs of the Archive element of the County Hall are estimated at £0.175 million per annum. There will be building related savings generated from the current Durham and Bishop Auckland Registrar's facilities of £0.137 million, which will be available to fund the on-going costs of the new History Centre. This total available budget of £0.312 million is sufficient to fund the estimated running costs of the new facility.

206 In addition, from a commercial perspective, providing weddings and other civil ceremonies in an attractive historic venue, offers the prospect of increased income generation, which experience elsewhere suggests would help to create a more financially sustainable site.

207 The income generation potential of this particular site is enhanced by the Manor's history as a local wedding reception and events venue.

208 There would be 'one off' revenue costs associated with the development of the history centre. The one-off decant costs for the Archive are estimated at £0.270 million. One-off costs associated with dual running of buildings as part of the History Centre development are estimated to be between £0.720 million and £0.851 million dependent upon the timescales for securing a decision on external funding. It is proposed to fund these one-off costs from the council's general reserve.

Status quo

209 This option is based on the service continuing in its current location in County Hall.

210 The service would continue to be provided from an out-dated building and future storage space would require the conversion of vacated office

accommodation, which as well as being relatively costly, is not ideal for the storage of precious documents and records. The council would find it very difficult to regain its permanent archive accreditation from The National Archives, resulting in serious reputational damage and substantial costs to find and pay for alternative accommodation for public records.

211 In addition, the presence of the Archive and Record Office as a 'sitting tenant' in County Hall would frustrate proposals to bring about the redevelopment of the Aykley Heads and the attraction of much needed investment and job creation to the area.

212 For these reasons, this is considered to be by far the worst option and depending on Members' decisions regarding Aykley Heads and the potential relocation of County Hall, may not be a viable or feasible option.

Consideration

213 Maintaining our existing approach is the least attractive option as it entails doing the minimum to fulfil our statutory requirements and presiding over a deteriorating service in which future records and historic documents are retained in unsuitable and inefficient accommodation.

214 The like for like and value added options would enable us to maintain service provision.

215 The value added option of creating a 'Durham history centre' co-located with other heritage assets and services, offers the very real prospect of being able to attract external grant funding. However, it would take more time before the archive is able to move out of County Hall, which needs to be considered when taking forward the wider project.

216 The value added option would provide a significantly enhanced and improved service, with a considerable range of additional benefits, which would be of value to current and future generations and the marketing of the county as a unique heritage destination.

217 It also offers the potential to increase income generation through bringing together services in an excellent location.

218 For these reasons, the value added option is the preferred approach for further development.

Next steps

219 If Cabinet agrees to pursue this option, it will be necessary to consult stakeholders and interested parties to ascertain the level of commitment to the proposal and to define the precise potential service offer.

220 Potential interested parties would include:

(a) Durham University;

(b) The Diocese of Durham;

(c) Durham Cathedral;

(d) DLI Trustees;

(e) Darlington Borough Council;

(f) The Friends of Durham County Record Office;

(g) Durham City Trust;

(h) Other local and family history organisations.

221 The outcome of the consultation would enable us to develop the proposal further and make an application to the Heritage Lottery Fund.

222 Depending on the outcome of this, we would either develop the proposal further, or if unsuccessful, review the situation including whether we should pursue a 'like for like' replacement for the current provision, as our fall-back option.

Financial Implications

223 The report confirms that the capital costs associated with the history centre estimated at £14.8 million to £17.7 million (£10.8 million - £13.7 million net of HLF funding) if agreed, would be included in future MTFP plans. The on-going revenue costs of the history centre can be met from savings and the available budgets from the existing archive and registration facilities. The one-off revenue costs associated with the new facility will be met from the council's general reserve.

Legal Implications

224 The archives service is subject to national archives and records management legislative requirements, including requirements associated with the custodianship of the records of other agencies and bodies. Section 224 of the Local Government Act 1972 requires the council to make proper arrangements for documents in its custody. Section 10 of the Registration Services Act 1953 requires the council to provide a registry office for its Superintendent Registrar of Births, Deaths and Marriages. The council has the power under S.120 of the Local Government Act 1972 to acquire land for the purposes of its functions. The resolutions recommended by this report would enable officers to negotiate on land acquisition and consult on the proposal before reporting back to Cabinet for a final decision on the option to be selected.

Conclusion of Part 3

225 County Durham has played a key role in the development of our nation and the industrial revolution. Its historic record, which the council is charged with maintaining, is therefore of local, national and international importance.

226 It also has significant economic value given that the history and heritage of the county are important aspects of Durham's unique selling proposition, setting us apart from other areas.

227 Maintaining our current approach to the archive is not a viable option as it entails failing to meet The National Archives standards, and subject to Cabinet's wider considerations, potentially frustrates strategically important economic proposals to attract investment and thousands of jobs to the Aykley Heads site.

228 Set against this, is a potentially exciting proposal to enhance and develop the service through the establishment of a 'Durham history centre' co-located with other heritage and records related services, in a historic building of local civic significance.

229 The potential relocation of County Hall provides a once in a generation opportunity to explore this approach with stakeholders and other interested parties.

Recommendations of Part 3

230 Subject to the outcome of Cabinet's decisions on the Aykley Heads strategic employment site proposal and the potential relocation of County Hall, Cabinet is recommended to:

(a) agree to progress the 'Durham history centre' concept as outlined above;

(b) agree to consult stakeholders and interested parties on the proposal;

(c) authorise the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources, in consultation with the relevant portfolio holders to continue negotiations with the relevant landowners;

(d) agree to the submission of a funding application to the Heritage Lottery Fund, subject to the outcome of the consultation and negotiations;

(e) receive a further report on the detailed proposals for final consideration;

(f) note the estimated capital costs as set out in the report will be included in future MTFP plans once they are finalised;

(g) note that the on-going revenue costs of the history centre can be met from available resources;

(h) note that the one-off costs set out in this report will be met from general reserve.

Background Papers

Cabinet report – 15th July 2015
Update on Office Accommodation Programme and release of Aykley Heads Strategic Employment Site for Economic Regeneration

Cabinet Report – 13th July 2016
Update on the Office Accommodation Programme and Outline Business Case for a New Headquarters

Cabinet report – 13th July 2016
Update on the Office Accommodation Programme and Outline Business Case for a New Headquarters – Part B

Contact: Sarah Robson 03000 267332
Jenny Howarth 03000 268071
Jeff Garfoot 03000 261946

Appendix 1: Implications

Finance
Capital and revenue implications associated with developing Aykley Heads will be dependent on the specific delivery model chosen to develop the masterplan. The report outlines three broad approaches consisting of a traditional sale, the council taking a head lease and direct development by the council. Initial work suggests that some form of intervention and support will be required by the council if it was to self-develop and deliver the masterplan before achieving an overall financial return. A combination of approaches could be likely which require exploration and detailed analysis to inform the council's final approach.

The capital and revenue implications of the HQ will be included in future MTFP reports and are set out in further detail in the Part B report.

The latest estimates of the capital and revenue costs associated with the archive and proposed relocation are set out in the report and will be refined as further work is undertaken.

Staffing
The proposals set out in the report are aimed at continuing the Council's approach to modernising and introducing new ways of working. The proposals will provide opportunities for staff to work more flexibly within accommodation that promotes new ways of working within the overall context of the transformation programme. Staff will continue to be engaged in the transformation programme and new ways of working as the project develops. As referred to below, equality impact assessments will be completed as appropriate.

Risk – Aykley Heads Strategic Employment Site
Market analysis and modelling has been undertaken to understand and confirm the viability of the proposals. Further detailed analysis and due diligence will be conducted in developing the preferred delivery model and will be presented to Cabinet in summer 2018.

Durham County Council Headquarters Final Business Case

The main risks identified during the FBC process for the HQ project centred on finance and delivery.

It is important that that the preferred option delivers the Council's objectives within an affordable budget and with minimum, if any, cost over runs. The FBC process itself which has tested the options identified at OBC validates the overall affordability of the HQ project whilst the procurement process has created commercial tension and enabled the Council to evaluate the most economically advantageous bid. Within the procurement process, all bidders' costs were validated to ensure that all cost proposals were comprehensive, realistic and deliverable. This included supply chain collaboration and covered both capital and operation costs. An element for risk and contingency costs was also included.

With respect to deliverability, project overrun has been addressed so far as practical by risk transfer in the legal documents (PDSA and development agreement) with the procurement evaluation criteria focusing on risk transfer and deliverability. This included limiting extension provision for the construction phase and liquidated damages in the event of overrun. Clear deliverables have been set out in the procurement documentation and the PDSA period allows the further development of design and cost provided that this does not materially modify essential aspect of the tender.

It is noted that obtaining satisfactory planning permission is a risk but this has been mitigated as far as possible by encouraging pre-planning dialogue between all bidders and the council's planning department.

Future Options for the County Archive

In the unlikely event that the Council is unable to secure the Mount Oswald site and/or the HLF bid is unsuccessful, it would need to consider alternative options for the site. The further report with detailed proposals for final consideration (referred to at paragraph 231(e)) will include a progress report on these issues, as well as detailed analysis of the proposals and associated risks.

Risk registers have been created for each project and will be kept under review and updated accordingly.

Equality and Diversity / Public Sector Equality Duty –

Equalities considerations are being built into the development of proposals for the Strategic Employment Site and the linked proposals to relocate the HQ and County Archive.

In relation to Strategic Employment Site proposals, it is intended to extend, maintain and improve accessibility across the site, and equality analysis will be built into ongoing planning work in relation to the site.

In relation to the HQ proposals, there are potential impacts across the protected characteristics for both staff and the general public. This is likely to include issues in relation to transport associated with a new location, and issues in relation to the accessibility of the building design. A city centre location would improve accessibility via public transport, and the needs of building users requiring accessible parking would be built into the new building design. The proposed new HQ would require compliance with latest building regulations for access (Part M), which would improve accessibility for disabled and other users compared with the current HQ building. For staff, the proposal will support the modern ways of working developed through the Inspire programme which will improve workplace flexibility for protected groups. Further equality analysis will be undertaken as part of the building and service design, if Cabinet agree to progress the project.

In relation to proposals to relocate the County Archive, initial equalities analysis indicates that there are impacts in relation to the proposed new location at Mt Oswald, and in relation to building and service design. In relation to physical access,

this proposal brings several linked services into a single location which should reduce need for travel for some service users. The location has good transport links with a park and ride facility directly opposite, and good bus links. In addition accessible parking would be available at the new location. The project would aim to enhance digital access to the archive and registration records, which is a positive potential impact for all protected groups but particularly for disabled residents and visitors as it provides an alternative for some purposes to visiting the facility. The project is still at an early stage, but accessibility and equality considerations would be built into future design work. Proposed consultation, if agreed, will be as inclusive as possible in order to capture feedback from a broad range of people including protected groups.

Disability Issues - See Equality and Diversity implications above.

Accommodation – Accommodation issues are being address through the Inspire Steering Group.

Crime and Disorder – Crime and disorder issues will be considered as part of the development of the masterplan.

Human Rights – N/A

Consultation – The development of the Aykley Heads site will be the subject of extensive local public consultation through the formation of the revised County Durham Plan and as part of the outline planning application proposed.

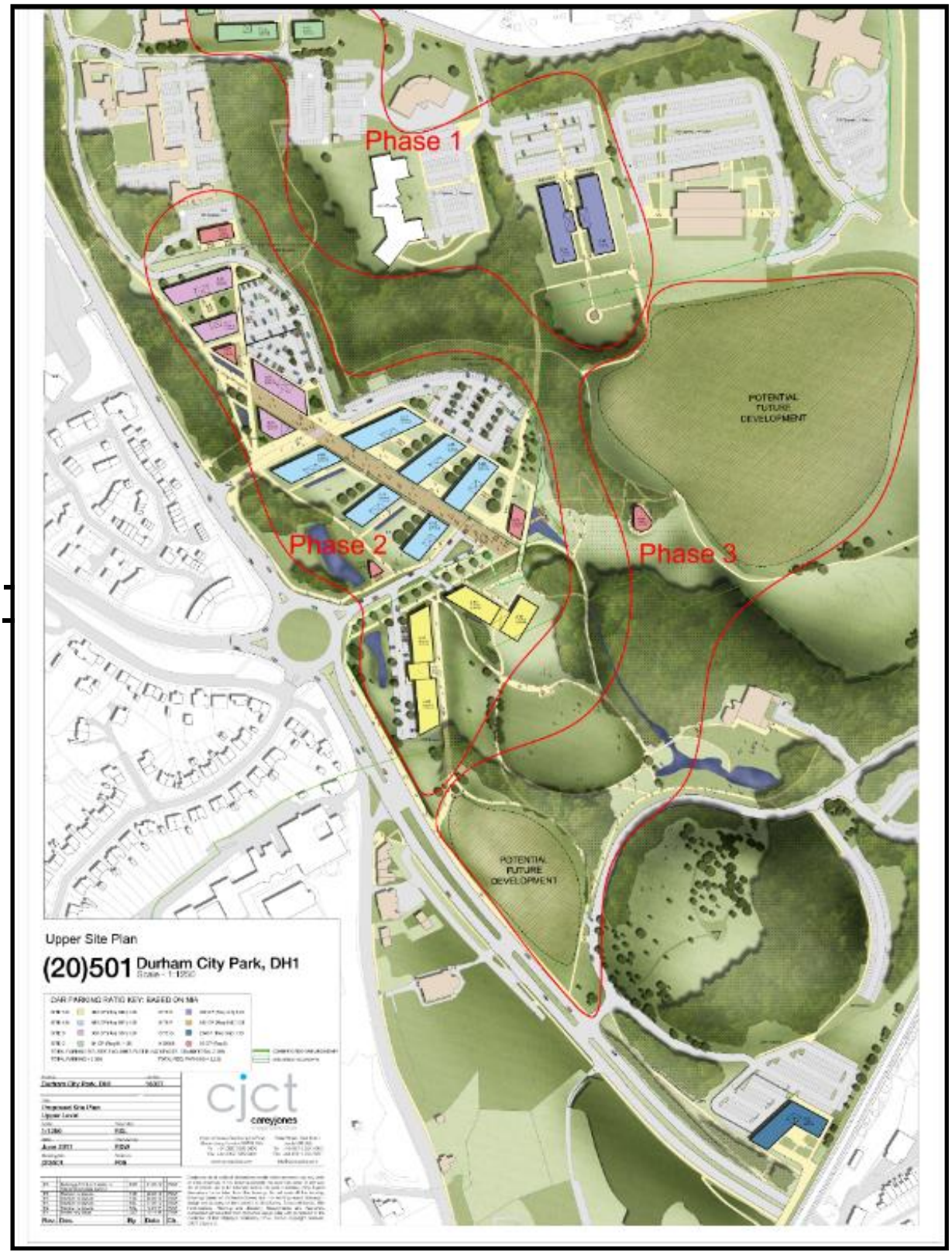
Initial consultion about the most important things for a new location for the archives and County Record Office took place in Autumn 2015. Responses highlighted the need for easy access and good parking or public transport, and for better links between the archives and other record services as 40% of respondees had visited other archives or libraries at the same time to get information. Feedback also highlighted a location in or near a town centre, the need for modern facilities and digital access. Extensive further public consultation is planned as proposals are further developed.

Procurement – The headquarters project has fully complied with the Public Contract Regulations 2015 as well as internal and external legal advice. The delivery of the remaining elements of the project once scoped during 2018 will, where required, follow a compliant and robust procurement process to realise value for money while delivering the strategic objectives set out in the report.

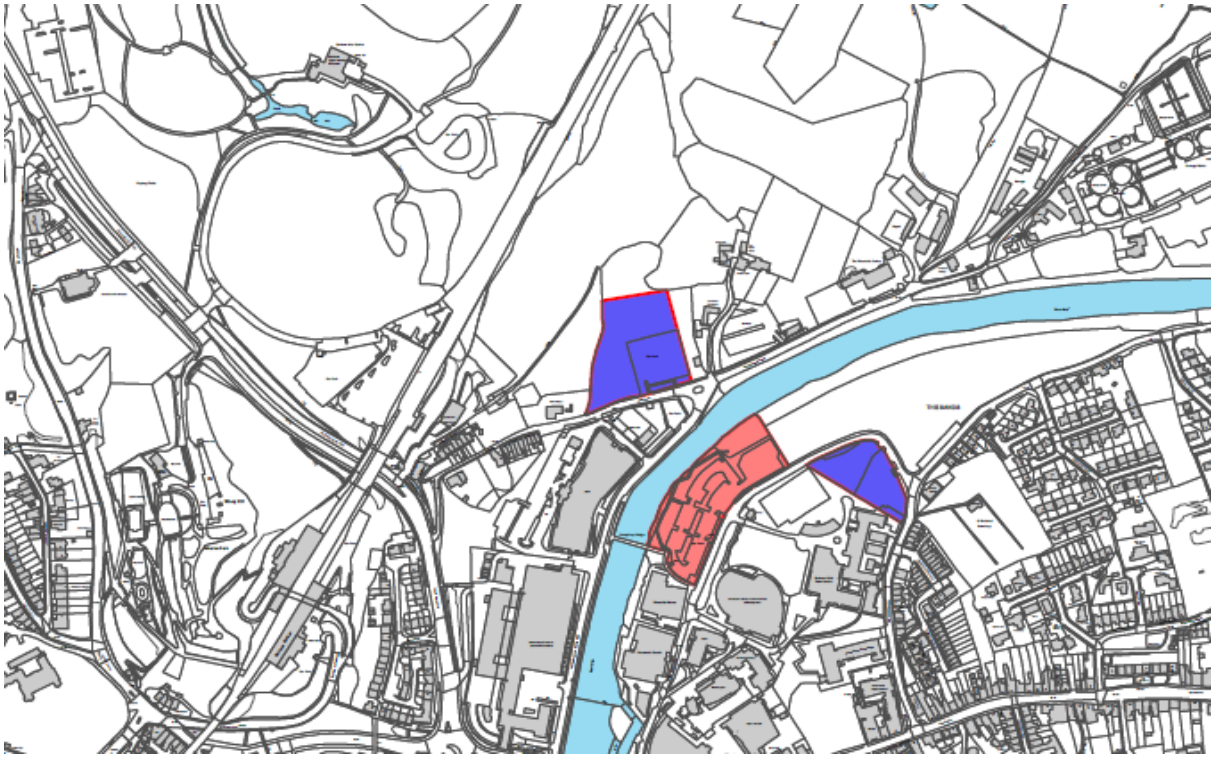
Disability Issues – See equality and diversity above

Legal Implications – The legal implications in respect of each project are set out in the main body of the report.

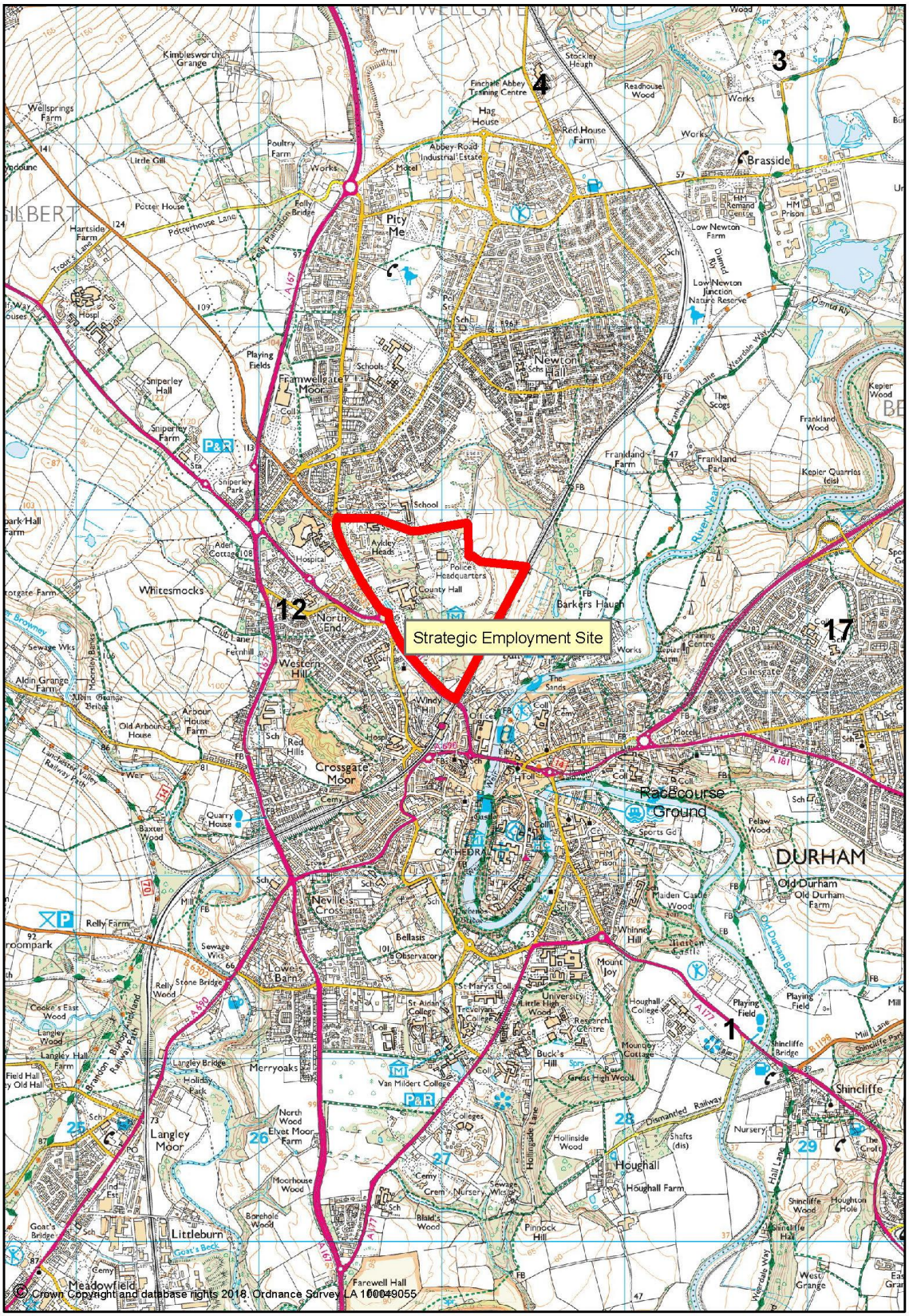
Appendix 2: Aykley Heads Masterplan



Appendix 3: Land in council ownership considered for potential HQ



Appendix 4: Aykley Heads in the context of Durham city



eREF No.1.

DECISION RECORD

Please complete all sections

DECISION MAKER (NAME AND JOB TITLE)	AUTHORITY BY REFERENCE TO SCHEME OF DELEGATION/ COMMITTEE REPORT
Stuart Timmiss Head of Development and Planning	Table 6 para64

SUBJECT

Consultation on an application under Section 16 of the Commons Act 2006 for the deregistration of an area of Common Land at the Sands

DECISION

To commence consultations with the relevant bodies listed above on the proposal to deregister 0.17 hectares of Common Land at The Sands and replace with an area of 1.84 hectares at land East of the Rivergreen Centre, Aykley Heads.

ELECTORAL DIVISION/S

Elvet and Gilesgate
Neville's Cross

CONSULTATION – CABINET PORTFOLIO HOLDER, OTHER MEMBERS & DATE

Portfolio holder and Lead Member – 24th January 2019
Ward Members – 24th April 2019

RECORD OF ANY CONFLICT OF INTEREST DECLARED BY AN EXECUTIVE MEMBER

N/A

NOTES

1. The reference No. will be assigned by Democratic Services.
2. The relevant paragraph within the decision makers delegated powers should be identified, or if a specific express authorisation of Council, Cabinet, or a Committee which delegated this to an officer provide the date, and report.
3. A brief heading should be inserted.
4. Brief details of the decision should be inserted. This note must set out the substance of the decisions, options considered and the reasons for the chosen option. Take care not to divulge any commercially sensitive information. If it's a Key Decision insert the No.
5. List the electoral division/s that will be affected by the decision
6. Set out the consultation you have undertaken with Cabinet portfolio holder and others.
7. See Guidance "Consultation with Portfolio Holder".

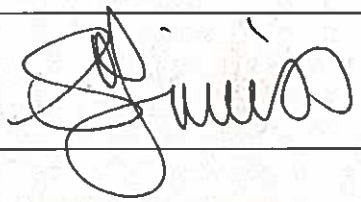
A NOTE OF DISPENSATION GRANTED BY THE HEAD OF PAID SERVICE IN RELATION TO THE ABOVE CONFLICT

Not Applicable

ACCESS TO THE REPORT

Is the report open to the public (Part A) Yes
Is the report exempt (Part B) – if so please specify the exemption paragraph and the reason for exemption applying the Public Interest Test Contains financial affairs relating to Third Party

CONTACT PERSON	**CONTACT NO.**
Peter Howson	03000 267482

AUTHORISED SIGNATORY	**DATE**
	24th April 2019

This form must be sent electronically to delegations@durham.gov.uk within 24 hours of the decision being made.

NOTES

8. See Guidance "Consultation with Portfolio Holder".
9. Please refer to the Access to Information Requirements that came into force from 1 March 2006 and the internal guidance that has been issued in this respect.
10. Person authorised to make the decision. When sent to democratic services, this will be an electronic signature.
11. Enter the date the decision was made.

Delegated Decision

REGENERATION AND LOCAL SERVICES

April 2019

Consultation on an application under Section 16 of the Commons Act 2006 for the deregistration of an area of Common Land at the Sands

Ordinary Decision No.:

Report of: Asset Management

Stuart Timmiss, Head of Planning and Assets

Electoral division affected:

Elvet and Gilesgate

Neville's Cross

Purpose of the Report

1. To authorise the non-statutory consultation process for the proposed application to deregister an area of Common Land at The Sands and to identify the replacement land
2. It is anticipated that this pre-application consultation will commence by the end of week beginning 22 April 2019.

Executive summary

3. Durham County Council is preparing to submit a deregistration application under Section 16 of the Commons Act 2006 in order to replace a small area of common land at The Sands in Durham City. The land being replaced (referred to as the 'release land') is currently used as a coach park. A larger area to the east of the Rivergreen Centre (the 'replacement land'), currently in use as meadowland, has been identified as an alternative. Both the release and replacement land are identified on the plans below.

4. The release land has been used as a car park and more latterly as a coach park since the mid-1990s. Prior to this it was a car park with a building on the land, used by the Royal Ordnance Corps. Planning permission was granted in February 2019 to relocate the coach park to Belmont Park and Ride.

5. The replacement land is more than ten times the size of the release land, (1.84ha compared with 0.17ha) and equivalent to the size of almost two football pitches

6. The replacement land is required to be within the vicinity of the release land and to be suitable for grazing animals. On this basis, the council considered other options for the replacement land, but following review, the land to the east of the Rivergreen Centre was identified as the most suitable, due to its proximity to the release land and the fact that it is meadowland. Both the release and replacement land are owned by the council.

Recommendation

7. To commence consultations with the relevant bodies listed above on the proposal to deregister 0.17 hectares of Common Land at The Sands and replace with an area of 1.84 hectares at land East of the Rivergreen Centre, Aykley Heads.

Background

8. An area of 2.91 hectares of land at the Sands Durham City is registered as Common Land. The register records the rights of the Freemen of the City of Durham to graze their animals on the land. Part of the site amounting to 0.17 hectares has been used as a car and coach park for many years. Prior to the current use, the land contained a building and car park occupied by Royal Ordnance Corps from before 1960 until demolition in 1997. It is this small area ("The Release Land") in respect of which the Council proposes to seek deregistration. The Release Land is within the Durham City Conservation area and in the ownership of the Council (as statutory successor to Durham City Council).

9. The existing coach park use of the Release Land is unauthorised in Common Land terms which is an historic issue inherited by the Council from the former City of Durham Council. This has come to light as a result of investigations for the proposed new Council HQ at the Sands. Accordingly, the Council needs to make a deregistration application to both address this anomaly and because possession of the Release Land without the restrictions imposed by registration as Common Land is required for construction of a new car park for the proposed new Council headquarters which it intends to construct on the adjoining land.

10. The Council has identified on a provisional basis an area of land which can be offered as "Replacement Land". The proposed Replacement Land is located to the East of the Rivergreen Centre at Aykley Heads, approximately 0.79km to the North of the Release Land. It is significantly larger than the Release Land, consisting of 1.84 ha of enclosed meadow land. The Replacement Land is in the ownership and management of the Council and was originally purchased as part of the area acquired for the Council's offices at County Hall. It is currently grassed with management consisting of an annual grass cut and has the appearance of an undulating meadow.

11. The proposed Replacement Land is extremely accessible on foot from the Sands and elsewhere due to a network of permissive and public footpaths. There are permissive footpaths around the perimeter of the site and a permissive cycle route, but no permissive or public rights of way over the land which is fenced in. The only access which has taken place is a cross country running event, with the consent of the Council.

12. In planning terms, the proposed Replacement Land is within the City of Durham Greenbelt and is also designated as part of the Area of High Landscape Value. It is recognized as an area of open space in the Council's Open Space Needs Assessment which is part of the evidence base for the emerging replacement development plan for the County (the County Durham Plan).

13. The key characteristics of the proposed Replacement Land are as follows:

- Landscape – -open grassland;
- Ecology & nature conservation - moderate semi-improved grassland which does not enjoy any protected habitat designations or species;
- The trees and hedgerows on the edges/boundaries are not protected;
- Archaeological or heritage assets - none contained.

14. Based in the information currently available, the Council's case for deregistration of the release land and the registration of the replacement land is that it will leave the relevant statutory interests no worse off and will in fact result in a benefit to these. In terms of quantity, the replacement land is some 11 times larger than the release land and in terms of quality, it is a substantial improvement over the release land.

Details of any alternative options considered and rejected when making the decision

15. The Council has considered alternative replacement land sites and concluded that the proposed site is the most beneficial for potential users of the Common Land.

16. Six areas of potential replacement land were identified and can be summarised as:

    1) Land south of Springfield Park, Flass Vale – adjoining Flass Vale Common Land;

    2) Land south west of Flassburn Road – adjoining Flass Vale Common Land;

    3) Land at St Giles Well – adjoining St Giles Well Common Land;

    4) Land at Aykley Woods, Aykley Heads – approximately 380m* to the north of The Sands;

    5) Land to the east of the Rivergreen Centre, Akley Heads - approximately 790m* to north of The Sands; and,

    6) Land at Providence Row, Durham - approximately 900m* to the north east of The Sands.

    *Direct line distance

17. Consultation with a range of Council services on the six sites which had been identified was undertaken in August 2018.

18. In summary, the three areas of DCC land adjoining the existing Common Land at Flass Vale and St Giles (sites 1 – 3) were not considered suitable due to the significant effect on the ecology, landscape and the removal of vegetation.

19. Site 4 is located close to the Strategic Employment Site Master Plan and is composed of self-seeded woodland. The removal of the vegetation, in order to provide open grazing consistent with use as Common Land, is likely to have an adverse impact on the landscape setting of the site and any longer-term contribution to the masterplan for the Strategic Employment Site.

20. The proposed site at Providence Row (site 6) due to the potential effect of removing the vegetation on the adjoining riverbank is not considered suitable. In addition, this site is adjoining a Public Right of Way and in this situation, there would not be a material increase in public accessibility to land.

21. Site 5 is close to the Aykley Heads Strategic Employment site although not directly adjoining. This area of land was laid out in 2008 as part of a wider planting scheme for the area. The intention was that it would act as meadowland grazing. It has been selected as the preferred replacement land site because whilst there would be some loss of biodiversity, this site represents the least adverse impact. The site extends to 18,371 m^2.

22. All the sites identified are larger than the area of Common Land to be replaced.

Member Consultation undertaken

23. The portfolio holders for Economic Regeneration and for Strategic Housing and Assets respectively have been consulted and are generally in support of the proposed deregistration application. They have suggested the use of interpretation boards on the replacement land, should the application be successful.

Pre-Application Consultation

24. Prior to the submission of a deregistration application, it is considered good practice to carry out a pre-application consultation exercise, the results of which will then inform any final decision on whether to submit the application. This is a voluntary, non-statutory consultation exercise and it is proposed to consult the following bodies:

- Relevant Members of the Council and Officers
- The Trustees and Wardens of the Freeman of the City of Durham
- Natural England
- City of Durham Parish Council
- Historic England
- Open Spaces Society
- The Ramblers Association
- CPRE
- Durham Wildlife Trust
- Residents Associations
- Rivergreen (Adjoining landowner)
- Office of the Durham Police, Crime And Victims' Commissioner (Adjoining landowner)
- Sunderland Marine Insurance (Adjoining landowner)
- The Coach Park operator
- Local MP
- Durham Sixth Form College
- Visit County Durham
- Local Access Forum

Decision

25. Pursuant to delegated powers in Paragraph 1 of Table 6 to Part 3 of the Council's Constitution, to undertake consultations with the bodies listed above on the proposed application to deregister 0.17 hectares of land at The Sands registered as Common Land (the Release Land) and to replace it with an area of 1.84 hectares at land East of the Rivergreen Centre, Aykley Heads (the Replacement Land).

Contact: Peter Howson, Accommodation Strategy Officer Tel: 03000 267482

Appendix 1: Implications

Legal Implications:

The Council is preparing to follow a procedure laid down in Section 16 of the Commons Act 2006.

Finance

None.

Consultation

Local Members for the release land and replacement land were advised of the proposed consultation process.

The Council will consult the Freemen of the City of Durham, Durham Parish Council, Historic England Natural England, The Open Spaces Society, representatives of Ramblers and any Residents Association for the area, ward Councillors for the release land and replacement land.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

The procedures under the Commons Act 2006 protect the interests of those with rights over the Common Land. The consultation process affords interested parties with an opportunity to make representations prior to the final decision on whether to submit the application.

Crime and Disorder

None.

Staffing

The proposal is necessary to support the development of the new HQ

Accommodation

None.

Risk

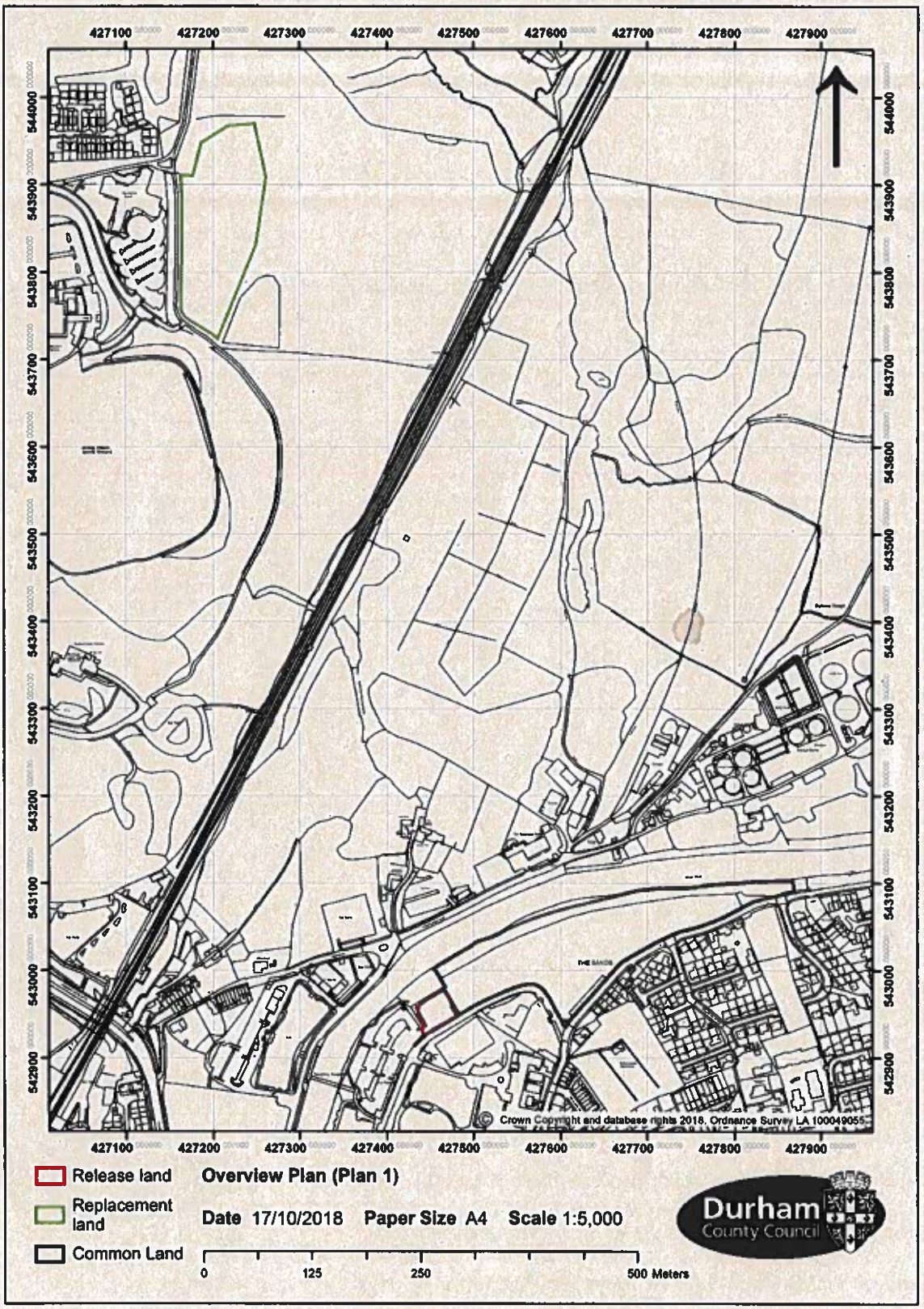
A formal Application to deregister Common Land follows a statutory process likely to result in a Public Inquiry. Informal consultation is recommended as best practice prior to commencement of the statutory stages. Such consultation may minimise the risks of an unsuccessful application which could potentially impact on the overall programme for the replacement HQ at the Sands.

Procurement

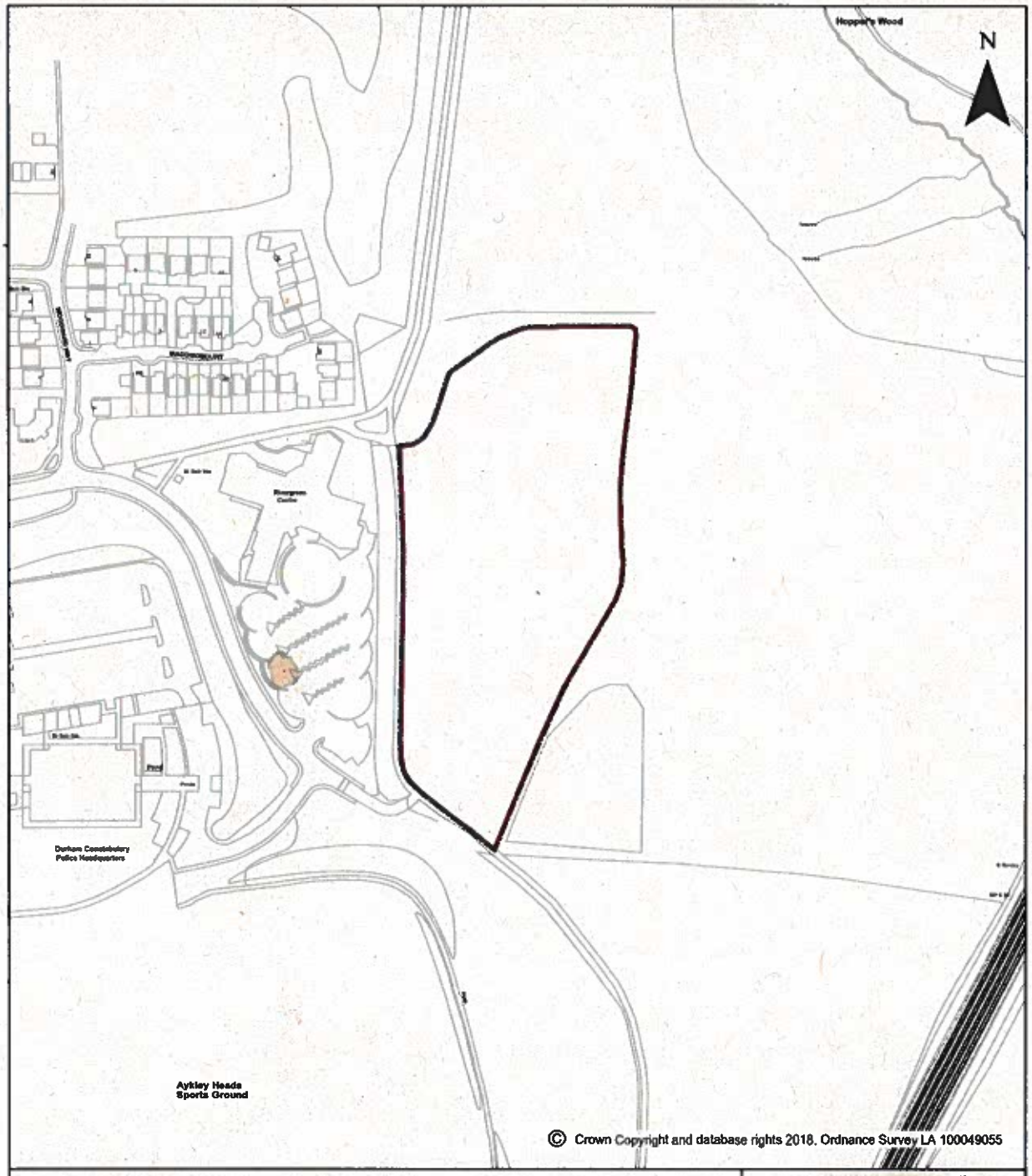
Specialist Counsel has been engaged selected on the basis of having previously advised on the status of the site.

APPENDIX 2

Plan 1: Release Land



Plan 2: Replacement Land



Possible Common Land replacement site east of Rivergreen Centre

Plan Ref : ARC-18-194. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 21810.875 m², 5.39 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 13/08/2018.

UPRN NO : 3491S01 (Part).

0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

Laura Ackermann

From: Stuart Priestley
Sent: 20 August 2018 11:26
To: Peter Howson
Subject: RE: Replacement Common Land

Hi Peter

Comments as follows

Site 1. Forms part of the Flass Vale Local Nature Reserve and adjoins the Local Wildlife Site. The site looks to be 100% wooded and so conversation to grazing land would result in loss of woodland (net loss of biodiversity) and ecological connectivity.

Site 2. Forms part of the Flass Vale Local Nature Reserve and adjoins the Local Wildlife Site. The site looks to be 100% wooded and so conversation to grazing land would result in loss of woodland (net loss of biodiversity) and ecological connectivity.

Site 3. Abuts the Pelaw Wood ancient woodland and LWS. The site looks to be 100% woodland. Again, loss of woodland habitats (net loss of biodiversity) and ecological connectivity

Site 4. The least ecologically damaging of the options, low quality woodland. Although still some loss of biodiversity there are no direct links to ancient woodland or designated habitats. Might impact on the Aykley Head Masterplan and this would need to be established before this site could be considered.

Site 5. Currently a good quality semi-improved grassland, again potential for significant biodiversity loss as I assume we would lose control over the management (currently managed by Countryside, annual hay cut). Also the site will form part of the Aykley Head Masterplan and there are concerns that there could be conflict here.

Geds Alternatives. Certainly more viable from an ecological perspective, as grazing is far less likely to be detrimental to extant habitats and there would be no clearance of woodland.

Regards

Stuart

Stuart Priestley
Ecology
Durham County Council

03000 267135

Ecological Statement

The parcel of land proposed as replacement common land is currently a semi-improved moderate species rich grassland with some self-seeded ash on the western boundary and otherwise surrounded by a fence, with access via a gate on the southern boundary. The current management regime comprises of an annual hay cut with arisings removed off site.

There are no protected species or UK Priority species associated directly with the site. A population of great crested newts can be found in ponds approx. 200m to the west and individuals from this population are likely to be found within the grasslands. Although the site is likely to be used by foraging bats the trees associated with the site are not mature enough to have developed features that would support roosting bats.

Opening the Replacement Land up to public recreational use would not have any significant impacts on great crested newts and no breaches of the legislation surrounding the species are envisaged.

Increased public access to the site is considered likely to have some adverse impacts upon the habitat quality of the Replacement Land through trampling and further impacts are expected upon breeding birds during the relevant season as a result of displacement and disturbance especially by dogs.

Should grazing rights be exercised on the site then there is potential to degrade the habitat quality if any grazing regime is not commensurate with maintaining species diversity. Grazing on such sites is usually limited to winter grazing or light summer grazing and more intensive grazing will reduce the quantity and diversity of wildflowers in the sward. The Principal Ecologist at Durham County Council has been advised that it is considered extremely unlikely that the Commoners will seek to graze the Replacement Land.

The impacts of public access on habitats and breeding birds can be mitigated for by ensuring that the site is fenced securely with only a single pedestrian access point maintained. Appropriate signage informing the public that during the bird breeding season (March to August) dogs must be kept on leads within the Replacement Land to prevent disturbance to breeding birds should be installed.

Assuming that the current management regime can be maintained as outlined above and appropriate mitigation is in place then the impacts on biodiversity would not be regarded as significant especially as the Replacement Land would form a part of the redeveloped County Hall grounds designed and managed for wildlife.

Stuart Priestley

Principal Ecologist

19 October 2018

From: Ged Lawson <ged.lawson@durham.gov.uk>
Sent: 08 October 2018 12:43
To: Neil Carter <Neil.Carter@durham.gov.uk>
Subject: RE: Replacement Common Land

Neil

Is this the kind of thing you need?

The release land.

The release land is currently in uses as a coach park and is largely made up of hard surfacing together with areas of soft landscaping on its perimeters made up of grass, ornamental shrubs and trees.

The proposed development would entail retaining the area as car parking with a similar layout but with a slightly increased area of hard surfacing and a new water storage tank. The proposals provide for removing the majority of trees and shrubs on the eastern, western and southern boundaries and replacing them with new trees and hedges. The proposals would entail some loss of trees on the northern perimeter to facilitate re-grading. These would be replaced with new trees.

The replacement land.

The replacement land is currently open grassland forming part of a wider area being managed for nature conservation and public access. Registering the land as common land would be consistent with its current use and would have no adverse landscape or visual effects.

Ged Lawson. Principal Landscape Officer I Landscape and Arboriculture I Environment & Design I Planning and Assets I Regeneration and Local Services I Durham County Council I County Hall I Durham I DH1 5UQ. I 03000 267139

From: Ged Lawson
Sent: 13 August 2018 16:42
To: Peter Howson <Peter.Howson@durham.gov.uk>
Subject: RE: Replacement Common Land

Hi Peter

Is there a particular reason why the land needs to be open to allow for the grazing of livestock ?

I'm assuming it is replacing land which can't be grazed – and many existing commons are heavily wooded or incorporate woodland (including existing local commons like St Giles & Flass Vale).

Reason I ask is that sites 1, 2 & 3 would be likely to entail unacceptable clearance of woodland. I don't think that would play well with members in the context of existing concerns over tree losses on the HQ site.

- Site 1 is woodland<50years old that has naturally colonised a shallow valley in the head of Flass Vale. It is attractive in itself and I would see the removal of trees from that area as harmful unless part of a conservation management plan for the vale supported by the Friends group.

- Site 2 is similar to the above but some of the trees are covered by a long standing TPO: their removal would be particularly harmful.

- Site 3 may be ancient woodland – it is not on the inventory but OS map regressions suggests it has always been woodland or wood-pasture. It is mature woodland in a dene adjacent to other ancient woodland. Clearance would be very harmful.

- Site 4 is an area of scrub that has colonised abandoned grassland – but it will have a role to play in the wider Aykley Heads masterplan. I'm not convinced it's a good idea to remove the vegetation or to sterilise it for a single use that might preclude other uses at this stage.

- Site 5 an area of grassland that will have a role to play in the wider Aykley Heads masterplan – again I'm not convinced it's a good idea to sterilise it for a single use that might preclude other uses at this stage.

A more appropriate like for like replacement for land at the sands would be further downstream on the river banks adjacent to the detached playing fields (Deed NO ED00653). You could dedicate the whole riparian strip of around 6,850m2 of flat riverside flood plain which would be both similar in character and nearby on the same side of the river.

Another option would be land on the opposite bank at Barker's Haugh – which may be covered by a tenancy (Frankland Park Farm) but there are areas along the river that are pretty poor for arable that might be considered.

The Kepier side would be favourite for me: it feels much more like for like. Suitability for grazing would be theoretical– like the Sands. You could even transfer fishing rights to the Freemen - like the sands.



Ged Lawson. Principal Landscape Officer I Landscape and Arboriculture I Environment & Design I Planning and Assets I Regeneration and Local Services I Durham County Council I County Hall I Durham I DH1 5UQ. I 03000 267139

From: Peter Howson
Sent: 13 August 2018 15:06
To: Stuart Priestley <Stuart.Priestley@durham.gov.uk>; David Mason <David.Mason@durham.gov.uk>; Audrey Christie <audrey.christie@durham.gov.uk>; David Sparkes <David.Sparkes@durham.gov.uk>; Ged Lawson <ged.lawson@durham.gov.uk>; Sarah Eldridge <Sarah.Eldridge@durham.gov.uk>
Cc: Yvonne Edwards <Yvonne.Edwards@durham.gov.uk>; Neil Carter <Neil.Carter@durham.gov.uk>; Jayne Sharp <Jayne.Sharp@durham.gov.uk>; Jane Merritt <Jane.Merritt@durham.gov.uk>
Subject: Replacement Common Land

Dear All

I have attached for your review five site plans which are under consideration as possible replacement areas for the loss of designated Common Land at the Sands, Durham.

The replacement site needs to be a minimum of 1,621 m^2 and be open to allow for the grazing of livestock.

All the areas which have been identified are significantly in excess of the minimum replacement area required by legislation.

The sites can be summarised as:

1. Land south of Springfield Park, Flass Vale – adjacent to existing Common Land and would require an area to be cleared of trees/shrubs;

2. Land south of west of Flassburn Road, Flass Vale - adjacent to existing Common Land and would require an area to be cleared of trees/shrubs;

3. Land south of St Giles, Gilesgate - adjacent to existing Common Land and would require an area to be cleared of trees/shrubs;

4. Land at Aykley Woods, Aykley Heads – not adjoining any Common Land and would require an area to be cleared of trees/shrubs; and,

5. Land east of Rivergreen Centre, Aykley Heads – not adjoining any Common Land and is an open meadow originally laid out in 2005 for the grazing of livestock.

I would be grateful for any comments you may have on the proposed replacement land and could you please send any comments by Friday 17th August.

Many thanks for your assistance.

Peter Howson Dip TP, MRTPI
Accommodation Strategy Officer

Assets
Regeneration and Local Services
County Hall
Durham
DH1 5UL
☎ 03000 267482
Mobile: 07748148384
✉ peter.howson@durham.gov.uk





Laura Ackermann

From: Henry Jones
Sent: 03 October 2018 13:54
To: Neil Carter; Laura Ackermann
Subject: Common Land
Attachments: NaturalGreenSpace.docx

Neil/Laura

As discussed the identified alternative common land Site 5 - East of the Rivergreen Centre at Aykley heads is within the designated Green Belt and Area of High Landscape Value. These are City of Durham Local Plan designations. The use of the land as common land does not in itself constitute development requiring planning permission. Notwithstanding this the land is already fenced and the designation as common land would not in itself result in any physical alterations to the characteristics of the land and therefore in turn there would be no affect upon or conflict with the Green Belt or Area of High Landscape Value.

The site is also identified within the evidence base document the County Durham Open Space Needs Assessment (OSNA) as Accessible Natural Green Space. This is not a Local Plan designation/allocation as such nor is it proposed as such under the emerging CDP. Though its identification as a formally recognised parcel of open space means that should a planning application for development be received on the site and if this resulted in the loss of the green space then that would need to be considered against Local Plan policies and NPPF paras which protect land for recreation.

However, again as designation as common land would merely be a designation with no impact upon the lands physical characteristics then again there would be no affect or conflict with this OSNA designation. I attach a description of this typology of open space as background.

Thanks
Henry

Henry Jones | Principal Planning Officer | Durham County Council | Planning Development (Strategic) | County Hall | Durham | DH1 5UQ | 03000 263 960

5.1.5 Natural Green Space





For the purpose of this assessment, natural and semi-natural green space covers a variety of partly or wholly accessible spaces including meadows, woodland and copses all of which share a trait of having natural characteristics and wildlife value, but which are also open to public use and enjoyment.

Research elsewhere (Natural England) has identified the value attached to such space for recreation and emotional well-being. A sense of 'closeness to nature' with its attendant benefits for people is something that is all too easily lost in urban areas. Natural Green spaces can make important contributions towards local Biodiversity Action Plan targets and can also raise awareness of biodiversity values and issues.

Some sites will have statutory rights or permissive codes allowing the public to wander in these sites. Others may have defined Rights of Way or permissive routes running through them. For the remainder of sites there may be some access on a managed basis.

Natural Green Spaces can form important 'green corridors' for both wildlife and people, especially when linked with the public rights of way network, cycle paths and rivers etc. These spaces form an important part of the Green Infrastructure of an area, and can be important in delivering ecosystem services and attracting visitors across administrative boundaries.

In County Durham there is a huge natural green space resource and understanding access to each and every site is a vast challenge beyond the scope of this assessment. The assessment has found that access to a site varies greatly, in some cases public access is secure and obvious, other sites are accessible via the rights of way network, whilst some sites appear

private but have obvious informal unarranged access, and in some cases access is completely unclear. To make sense of this, and considering there are over 600 sites that fall into these categories, the following system has been applied to classify a site as 'accessible natural green space', drawing on the base data provided by the council:

- Local nature reserves are included;
- Countryside Estates are included;
- Woodland Trust Sites are included;
- National Nature Reserves are included;
- Local Wildlife Sites which have rights of way in them are included (those with no rights of way are mapped as having limited/no access);
- Sites which were included in the original OSNA as natural green space have been assessed on an individual basis.

It is also recognised that some of these sites, although considered to have some form of access, may be sensitive in terms of their ecological value at a local, regional or international level. Whilst these sites may be included in the assessment, there may be sites which require special management or intervention, which may restrict access arrangements in the future, and this will be reflected in relevant policy recommendations (section 8 of this report).

Laura Ackermann

From: Mike Ogden
Sent: 16 August 2018 16:30
To: Peter Howson
Cc: Audrey Christie
Subject: RE: Replacement Common Land

Hi Peter,

Thanks for the details of the six sites.

Having discussed this with the officers for these areas we feel that site 5, the land east of Rivergreen is the best candidate. Most of the others would require significant clearance of vegetation to facilitate grazing, and/or are very steep.

Comments in more detail:-

1. Land south of Springfield Park, Flass Vale: Informal footpath through it. If the land was cleared and fenced then suitable pedestrian access structures would be required to allow access along the route being used by the public.

2. Land south of west of Flassburn Road, Flass Vale: Public Footpath no.123 Durham City lies through it as well as another informal path not shown on the plan. Again if the land was cleared and fenced then suitable pedestrian structures would be required to facilitate public access. This site is currently having NWL storage tanks installed under part of it (the Footpath is temporarily closed).

3. Land south of St Giles, Gilesgate: Plan shows legal line of Public Footpath no.84 through site however this route is unusable given both the steepness of the terrain and the fact that the southern end of Pelaw Wood Footbridge actually obstructs the path! The public use the well-established routes off the end of the bridge a little further south. The land is steep with mature and semi mature trees on it.

4. Land at Aykley Woods, Aykley Heads: No PRoW or informal paths through it but it has a permissive cycle route adjacent to it (DLI up to Framwellgate Moor / Newton Hall).

5. Land east of Rivergreen Centre, Aykley Heads: No PRoW or informal paths through it but it has a permissive cycle route adjacent to it (DLI up to Framwellgate Moor / Newton Hall). Already grazing land and the best candidate by far. The North East Harrier Cross-country league, when they use Aykley Heads as one of their running courses, have tapped out part the course through this site before; it is just grassland as far as I can remember, and already fenced around the perimeter. I can't recall if there are public access points onto the land.

6. Land at Providence Row: this is a heavily vegetated section of riverbank, adjacent to Public Footpath No 1 Belmont. Removal of vegetation would increase the risk of bank erosion/collapse, reducing both the grazing area and potentially threatening the Public Footpath.

Hope this helps.

Regards

Mike

Mike Ogden
Access and Rights of Way Team Leader
Regeneration and Local Services

Laura Ackermann

From: David Mason
Sent: 04 October 2018 13:31
To: Neil Carter
Subject: RE: Replacement Common Land

Hi Neil,

There is no known archaeology in that land parcel and the range of uses wouldn't cause any damage anyway so no archaeological concerns.

Kind regards,

David

Laura Ackermann

From: David Sparkes
Sent: 08 October 2018 11:31
To: Neil Carter
Cc: Laura Ackermann
Subject: RE: Common Land - Replacement

In respect of common land replacement from the Design and Conservation point of view there would appear to be no heritage impact.

Regards

Dave

REGENERATION AND LOCAL SERVICES

AUGUST 2018

The Sands - replacement Common Land

Report of Peter Howson, Accommodation Strategy Officer

Purpose of the Report

1 The purpose of the report is to seek authority to submit an application under Section 16 of the Common Lands Act 2006 to deregister an existing area of Common Land at the sands and for replacement land at Aykley Heads to be registered as Common Land.

Background

2 The proposed new HQ building for the County Council will involve the development of a small section of Common Land 1,752 m^2 (0.17ha). The remaining, and adjacent, area of Common Land at the Sands, extending to 2.74 ha, would remain unaffected and not part of the development site.

3 The common Lands register identifies The Sands Common Land as being for the grazing of livestock. Replacement land will therefore need to be in open meadow/grazing use to ensure that the replacement land is on a like for like basis and can fulfil the requirements of the register of Common Land

4 The criteria used to consider potential land to replace the Common Land required for the New HQ were:

1. The land should be adjacent to an existing area of Common Land;
2. The potential land must be in the ownership of Durham County Council;
3. If not adjacent then as close as practical to the land to be replaced; and,
4. A size suitable to replace the Common Land to be registered.

Potential Land Assessment

4. The extent of DCC land ownership adjoining, or in close proximity, to the existing Common Land has been included as **Appendix 2**.

5. A review of DCC land adjoining The Sands Common Land and DCC land adjacent to the two other areas of Common Land in the City of Durham (at Flass Vale and St Giles) has been undertaken. This review has identified three potential sites which could in the first instance be considered as suitable.

6. A wider review of other DCC land in Durham within 1km of the Common Land at the Sands has also been undertaken and this identified a further two sites. These sites are close to the boundary of the Strategic Employment site identified in the emerging County Durham Plan and in addition to the usual Service consultations, the Regeneration Team were also consulted prior to their inclusion in a more detailed assessment.

7. Internal DCC consultations identified potential land, close to the proposed deregistration land although not adjoining, at Providence Row adjacent to the river Wear. The six potential areas of potential replacement land which has been identified can be summarised as:

Land south of Springfield Park, Flass Vale – adjoining Flass Vale Common Land;

Land south west of Flassburn Road – adjoining Flass Vale Common Land;

Land at St Giles Well – adjoining St Giles Well Common Land;

Land at Aykley Woods, Aykley Heads – approximately 380m* to the north of The Sands;

Land to the east of the Rivergreen Centre, Akley Heads - approximately 790m* to north of The Sands; and,

Land at Providence Row, Durham - approximately 900m* to the north east of The Sands.

*Direct line distance

8. Consultation on the six sites which had been identified was undertaken in August 2018 with a range of Council services.

9. In summary, the three areas of DCC land adjoining the existing Common Land at Flass Vale and St Giles (sites 1 – 3) were not considered suitable due to the significant effect on the ecology, landscape of the land and the removal of vegetation.

10. Site 4 is located close to the Strategic Employment Site Master Plan and is composed of self-seeded woodland. The removal of the vegetation, in order to provide open grazing consistent with The Sands Common Land, is likely to have impact on the landscape setting of the site and any longer term contribution to the masterplan for eth Strategic Employment Site.

11. Site 5 is close to the Aykley Strategic Employment site although directly adjoining. This area of land was laid out in 2008 as part of a wider planting scheme for the area. The intention was that it would at as meadowland grazing and whilst there would be some loss of biodiversity, this site represents the least impact. The site extends to 1.84ha.

12. The proposed site at Providence Row (site 6) due to the potential effect of removing the vegetation on the adjoining riverbank. In addition, this site is adjoining a Public Right of Way and in this situation there would not be a material increase in public accessibility to land.

13. All the sites identified are larger than the area of Common Land to be replaced.

14. The full consultation responses and plans of the land have been included as **Appendix 3**.

Recommendations and reasons

15 Six potential sites have been considered for the replacement Common Land. These were identified following an extensive high level review of DCC land holdings within close proximity to the Sands Common Land.

16 Internal consultations established that the need to remove significant areas of woodland to provide suitable for the grazing of livestock precluded five of the six sites.

17 The site to eth east of the Rivergreen Offices (site 5 in the appraisal at **Appendix 3**) at Aykley Heads was laid out as grazing land and would have the least impact on the landscape and ecology of the surrounding area.

18. It is therefore recommended that an application is submitted under Section 16 of the Common Land Act 2006 to deregister the identified area at The Sands and replace it with **Site 5 – land to the** east of the Rivergreen Offices, Aykley Heads.

Background papers

None

Contact: Peter Howson **Tel: 03000 267482**

Appendix 1: Implications

Finance: the cost any improvement works or site clearance required to create a suitably sized open area consistent with the Common land Register will be taken within the overall budget for the New HQ.

Staffing: N/a

Risk: the failure to identify appropriate replacement land will result in the project being delayed and could possibly threaten the viability of the site for the development of the New HQ for the County Council.

Equality and Diversity / Public Sector Equality Duty: N/A

Accommodation: N/a

Crime and Disorder: N/A

Human Rights: N/A

Consultation: Internal consultations have been completed and the responses have been set out as **Appendix 4**.

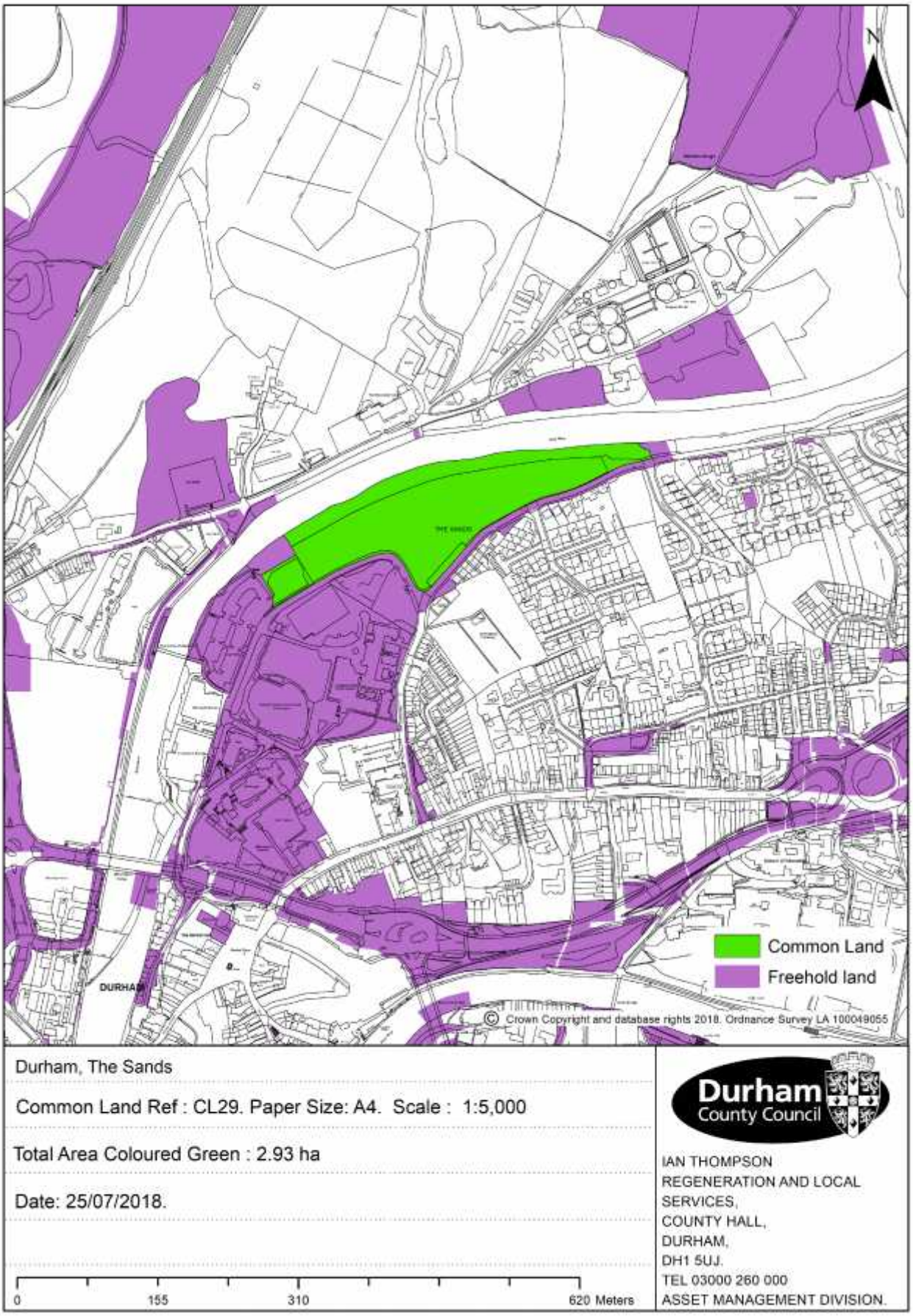
Procurement: N/A

Disability Issues: N/A

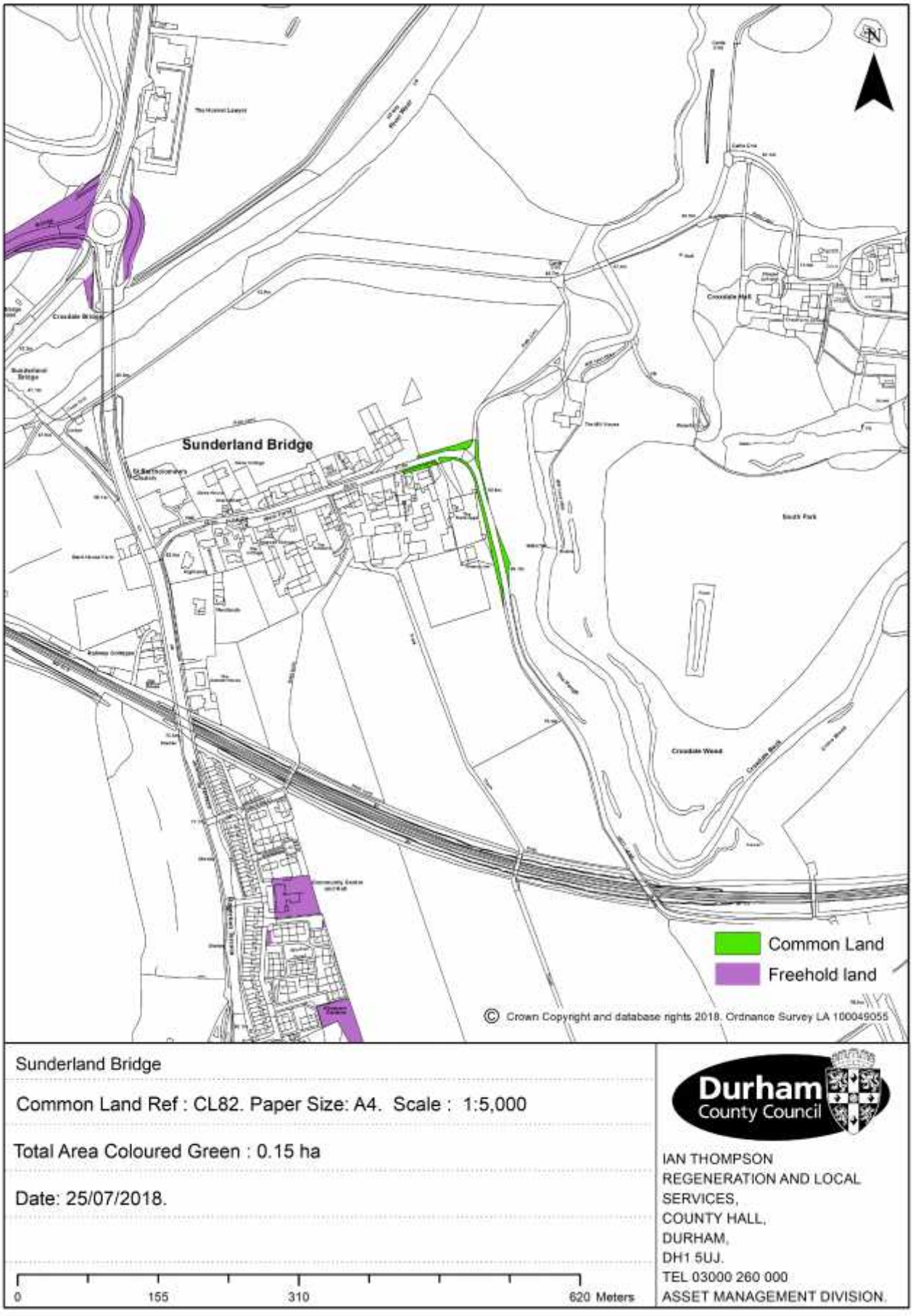
Legal Implications: A Section 16 of the Commons Act 2006 application, for approval by the SoS, is required to legally replace the Common Land which will be deregistered to facilitate the HQ development.

Appendix 2: DCC owned land adjoining Common Land

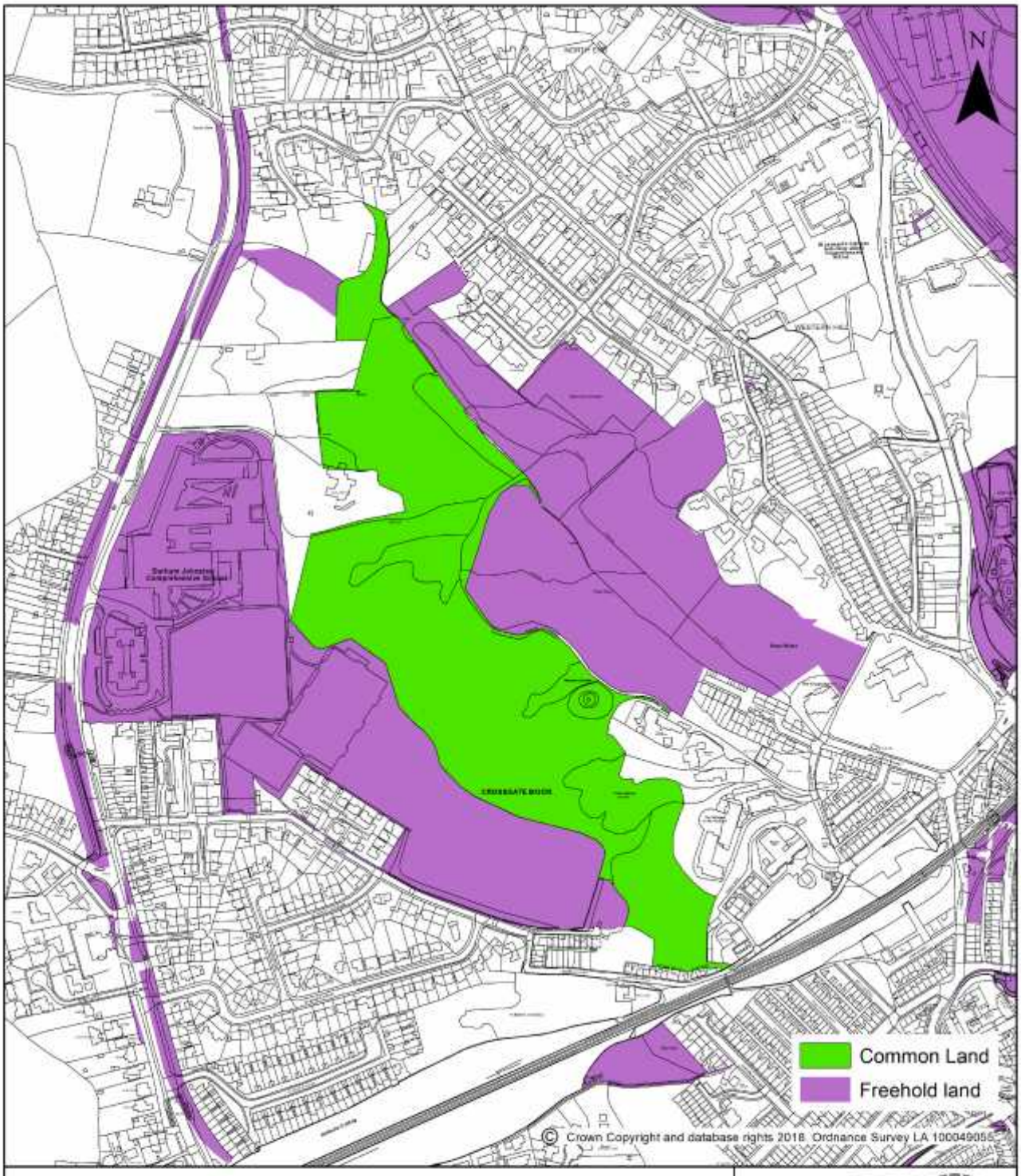
CL17029: The Sands, Durham



CL170b82: Land near Sunderland Bridge



CL17086: Flass Vale, City of Durham



Flass Vale, Durham

Common Land Ref : CL86. Paper Size: A4. Scale : 1:5,000

Total Area Coloured Green : 9.3 ha

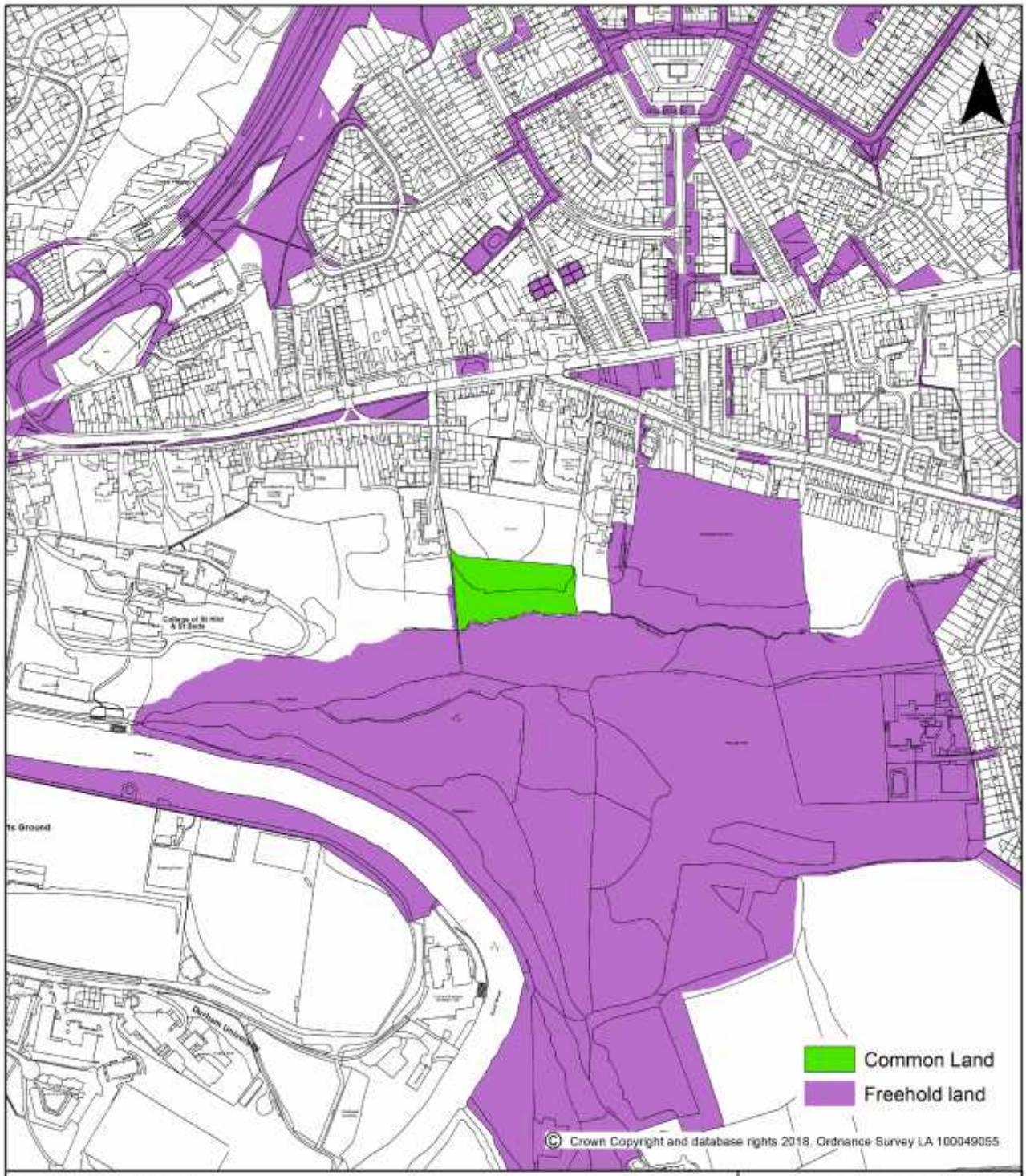
Date: 25/07/2018.

0 155 310 620 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION

CL17112: Land at St Giles Well, Durham



Public Well of St Giles

Common Land Ref : CL112. Paper Size: A4. Scale : 1:5,000

Total Area Coloured Green : 0.66 ha

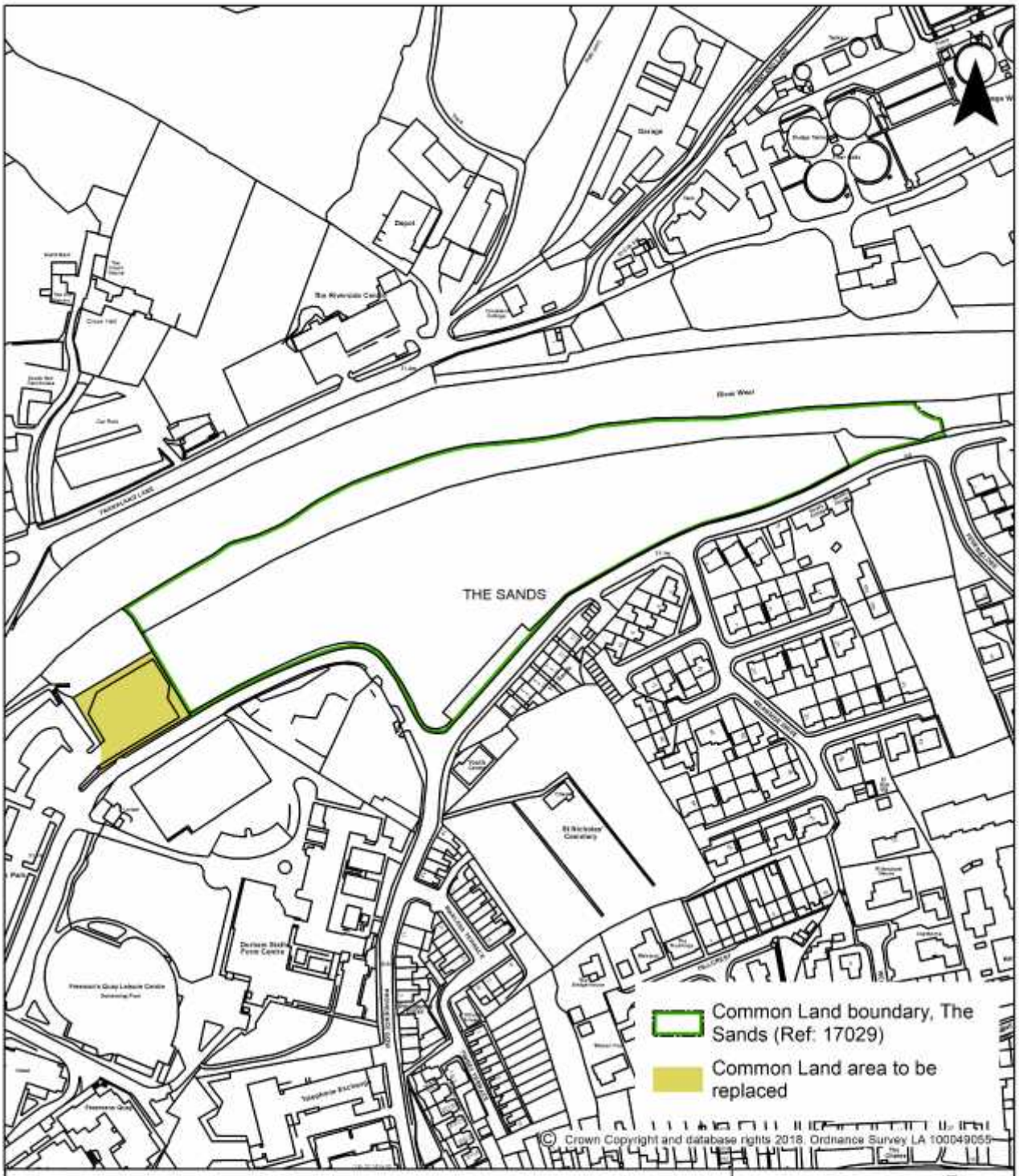
Date: 25/07/2018.

0 155 310 620 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

The Sands – replacement area required



Durham, The Sands

Scale : 1:2,500

Total Area Shaded Yellow : 1751.977 m², 0.433 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 25/07/2018

UPRN NO : 50053S01 (Part). Plan Ref : ARC-18-178.

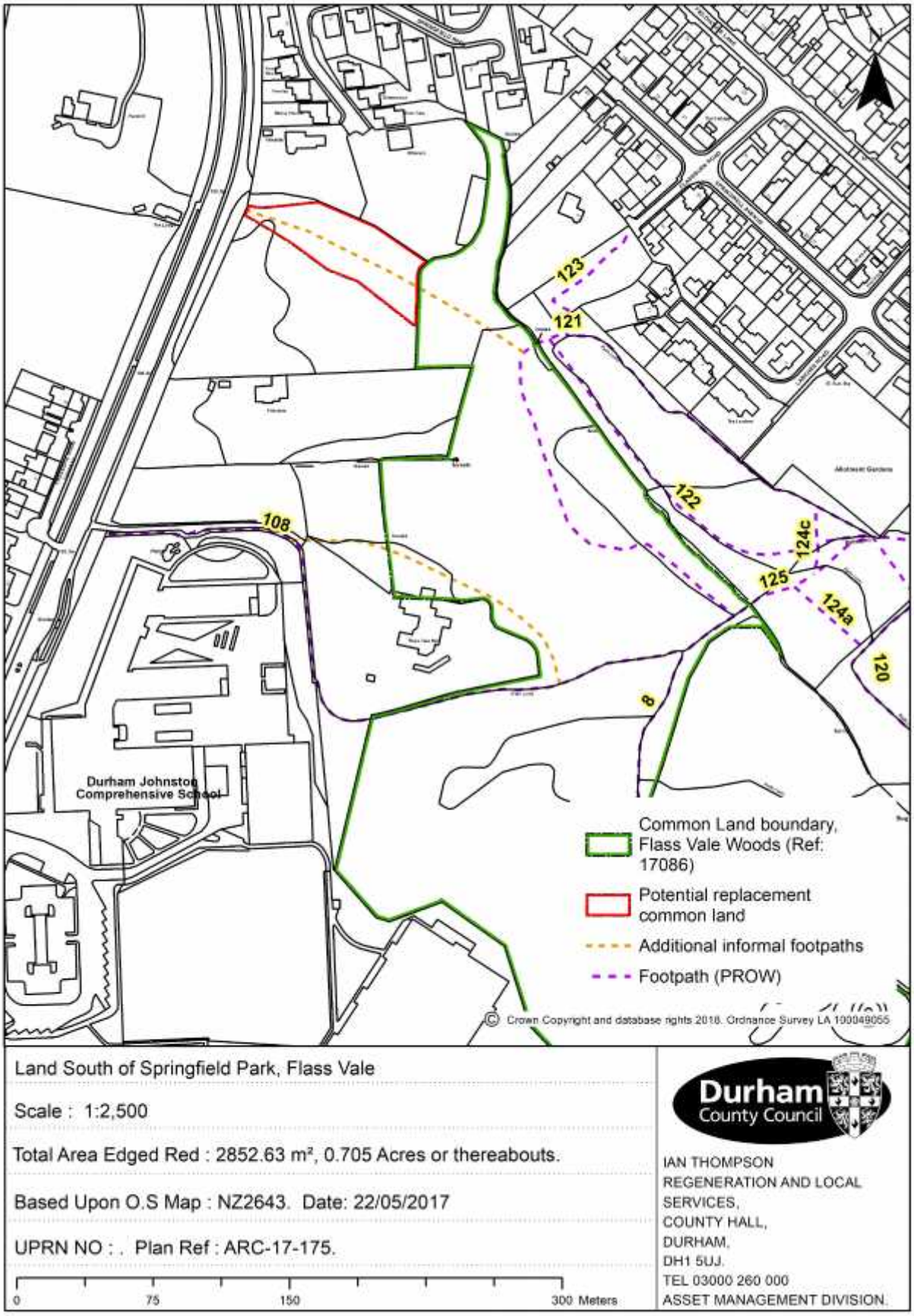
0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

Appendix 3: Site Assessments and Consultation responses

1. Land south of Springfield Park, Flass Vale



1. Land south of Springfield Park, Flass Vale

Location and Description:

The land is in woodland use located adjacent to western end of Flass Vale Common Land.

Crossing the land in an east – west direction, is an informal footpath which connects the Common Land to the A167 and the residential area of Whitesmocks to the west.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Prior to circa 1960 the land was in open agricultural use.

The land is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

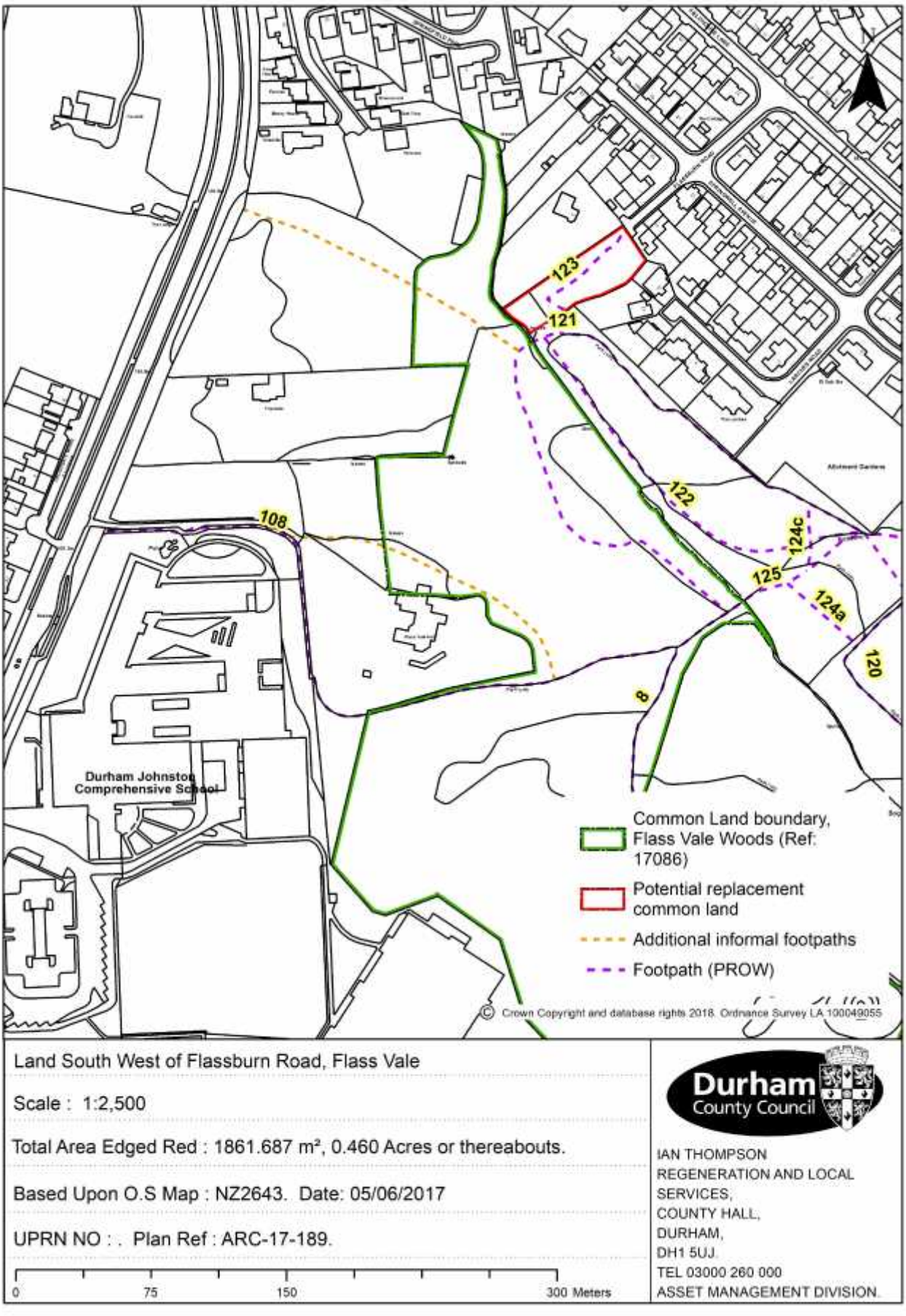
Assessment

Site area:	2,853 (m^2):	**UPRN:**	50509S01	**Current use:**	Woodland	**Distance to The Sands:** (Straight line)	1.3 km
Proximity to Public rights of way:	No – informal path crossing the site	**Within a Conservation Area**	Yes	**Tree preservation Orders:**	No	**Ancient Woodland:**	No
Green Belt Status	Yes	**Within an SSSI**	No	**Local Nature reserve/site:**	Adjacent to Flass Vale Wildlife Site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology (Stuart Priestley)	Forms part of the Flass Vale Local Nature Reserve and adjoins the Local Wildlife Site. The site looks to be 100% wooded and so conversation to grazing land would result in loss of woodland (net loss of biodiversity) and ecological connectivity.
Archaeology (David Mason)	
Public Rights of Way (Mike Ogden)	Informal footpath through it. If the land was cleared and fenced then suitable pedestrian access structures would be required to allow access along the route being used by the public.
Heritage & Conservation (David Sparkes)	This is primarily a landscape issue and would therefore default to their comments.
Planning (Henry Jones)	This land forms part of the Durham City Conservation Area, the Green Belt, Area of High Landscape Value and forms part of a Local Nature Reserve. It is also designated as part of an area of accessible open space. The loss of trees necessary to facilitate this would be harmful exacerbated by its Conservation Area, Green Belt, AHLV and ecological designations.
Landscape (Ged Lawson)	Woodland<50years old that has naturally colonised a shallow valley in the head of Flass Vale. It is attractive in itself and I would see the removal of trees from that area as harmful unless part of a conservation management plan for the vale supported by the Friends group.
Regeneration (Fiona Ford)	Not applicable
Suitability:	

2. Land south west of Flassburn Road:



2. Land south west of Flassburn Road

Location and Description:

The land is in woodland use located adjacent to northern end of Flass Vale Common Land and forms a link to the residential to the north.

Crossing the land in a north east – south west direction, is formal footpath 123 which connects the Common Land to the residential area of North End to the north.

The south western section of the land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Between 1923 and 1940 the land was used as a sewage works for Durham Corporation.

The land is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

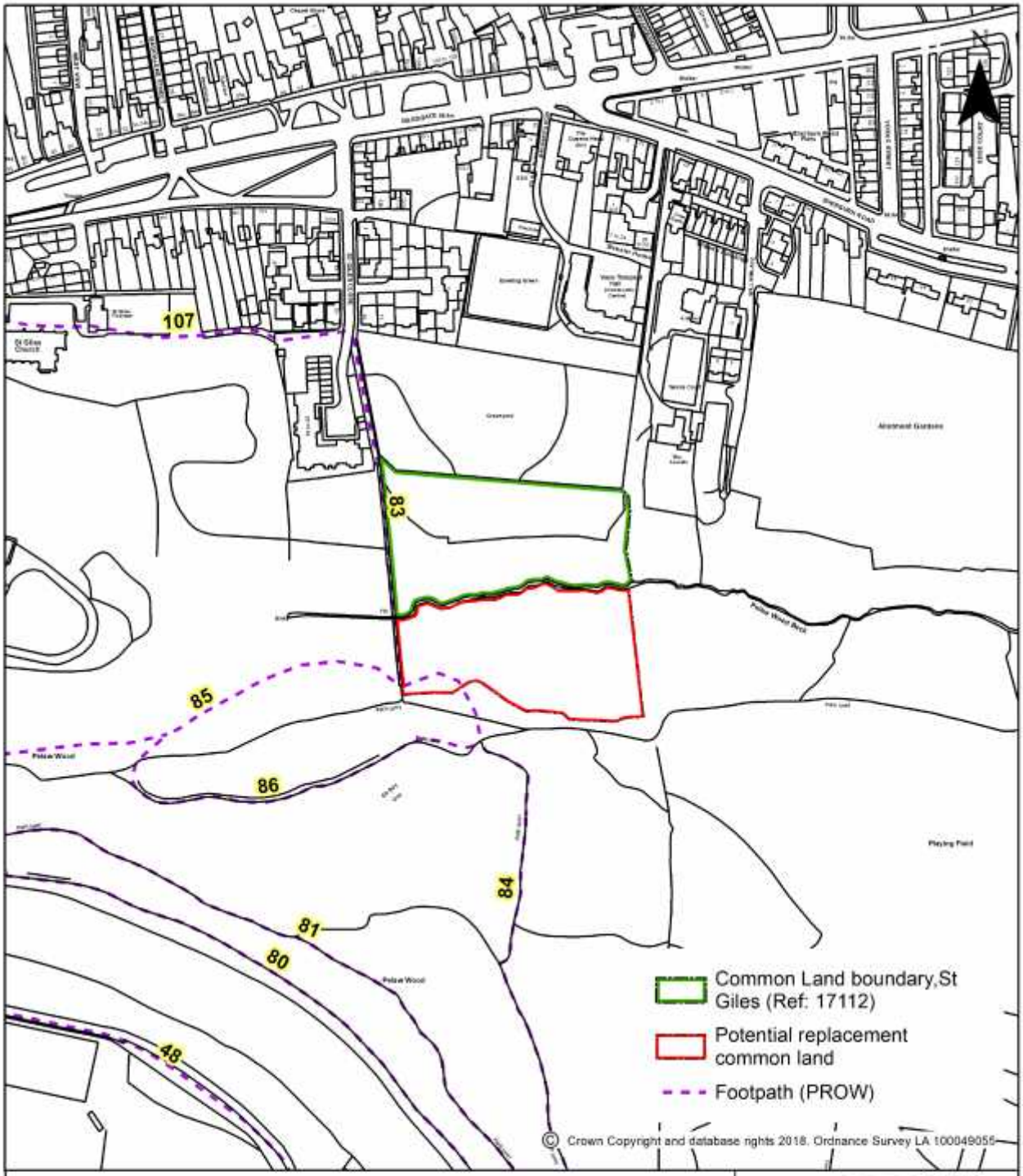
Assessment

Site area	1,862 (m^2)	**UPRN:**	50148S01	**Current use:**	Woodland	**Distance to The Sands** (Straight line)	1.2 km
Proximity to Public rights of way:	Yes – footpath 123 crosses the site	**Within a Conservation Area**	Yes – only a small section at the south east corner	**Tree preservation Orders:**	Yes	**Ancient Woodland:**	No
Green Belt Status	Yes – only a small section on southern boundary.	**Within an SSSI**	No	**Local Nature reserve/site:**	Adjacent to Flass Vale Wildlife Site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology (Stuart Priestley)	Forms part of the Flass Vale Local Nature Reserve and adjoins the Local Wildlife Site. The site looks to be 100% wooded and so conversation to grazing land would result in loss of woodland (net loss of biodiversity) and ecological connectivity.
Archaeology (David Mason)	
Public Rights of Way (Mike Ogden)	Public Footpath no.123 Durham City lies through it as well as another informal path not shown on the plan. If the land was cleared and fenced then suitable pedestrian structures would be required to facilitate public access. This site is currently having NWL storage tanks installed under part of it (the Footpath is temporarily closed).
Heritage & Conservation (David Sparkes)	This is primarily a landscape issue and would therefore default to their comments.
Planning (Henry Jones)	This is a similar site 1 above. Fractions of the western sections of the site lie within the Durham City Conservation Area and the Green Belt though most of the site is out with these designations. The site forms part of an Area of High Landscape Value and Local Nature Reserve. It is also designated as part of an area of accessible open space. Public Right of Way footpath no 123 Durham City crosses the site. Part of the site is covered by a Tree Preservation Order therefore consent for any works to these protected trees would require applying for. The loss of trees particularly those covered by the TPO would be harmful.
Landscape (Ged Lawson)	Similar to site 1 but some of the trees are covered by a long standing TPO: their removal would be particularly harmful.
Regeneration (Fiona Ford)	Not applicable.
Suitability:	.

3. Land south of St Giles:



Land South of St Giles

Scale : 1:2,500

Total Area Edged Red : 6302.537 m², 1.557 Acres or thereabouts.

Based Upon O.S Map : NZ2842. Date: 25/07/2018

UPRN NO : 50399S01 (Part). Plan Ref : ARC-18-177.

0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

3. Land south of St Giles

Location and Description:

A steeply sloping and woodland on all the site adjacent to the southern boundary of the St Giles Common Land..

There is no vehicular access to the site and pedestrian access would form footpath 83 which is on the western boundary of the site and connects to footpath 84 crosses the south western corner of the land. Footpath 83 connects to the Gilesgate area to the north.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Historic mapping indicates that the site was in woodland use as early 1860.

The land is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

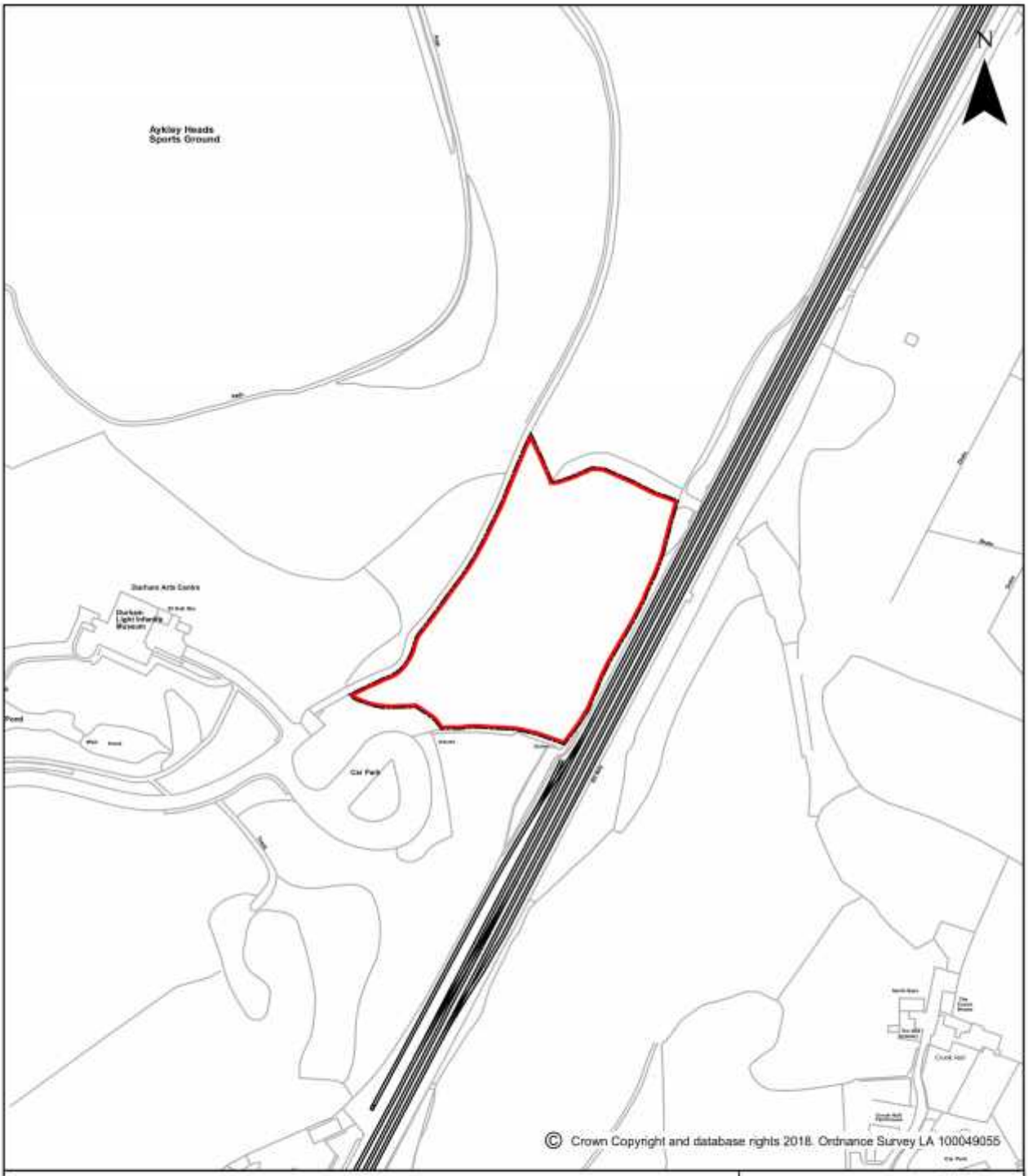
Assessment

Site area	6,303 (m^2)	**UPRN:**	50399S01	**Current use:**	Woodland	**Distance to The Sands** (Straight line)	1.17 km
Proximity to Public rights of way:	Yes – footpath 83	**Within a Conservation Area**	Yes	**Tree preservation Orders:**	No	**Ancient Woodland:**	Western boundary adjacent to area of ancient woodland.
Green Belt Status	Yes	**Within an SSSI**	No	**Local Nature reserve/site:**	Section on the southern included in the Pelaw Wood Local Wildlife site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology (Stuart Priestley)	Abuts the Pelaw Wood ancient woodland and LWS. The site looks to be 100% woodland. Again, loss of woodland habitats (net loss of biodiversity) and ecological connectivity.
Archaeology (David Mason)	No comment
Public Rights of Way (Mike Ogden)	Plan shows legal line of Public Footpath no.84 through site however this route is unusable given both the steepness of the terrain and the fact that the southern end of Pelaw Wood Footbridge actually obstructs the path! The public use the well-established routes off the end of the bridge a little further south. The land is steep with mature and semi mature trees on it.
Heritage & Conservation (David Sparkes)	This is primarily a landscape issue and would therefore default to their comments.
Planning (Henry Jones)	This site is within the Conservation Area, Green Belt and Area of High Landscape Value. Whilst the site is not seemingly included in the Ancient Woodland Inventory there is a chance there is ancient woodland on site at the Local Plan does overwash the site with an ancient woodland related policy. Tree clearance would be harmful. Public right of way footpath 83 Durham City within site and footpaths 84 and 85 abut site.
Landscape (Ged Lawson)	May be ancient woodland – it is not on the inventory but OS map regressions suggests it has always been woodland or wood-pasture. It is mature woodland in a dene adjacent to other ancient woodland. Clearance would be very harmful.
Regeneration (Fiona Ford)	Not applicable
Suitability:	.

4. Land at Aykley Wood, Aykley Heads



Possible Common Land replacement site at Aykley Wood, Aykley Heads

Plan Ref : ARC-18-193. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 12005.358 m², 2.967 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 13/08/2018.

UPRN NO : 0031S14 (Part).

0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

4. Land at Aykley Wood, Aykley Heads

Location and Description:

The site is located on the eastern boundary of the County Hall site in Durham. The site is sloping from north to south and from west to east towards the main east coast rail line.

The site is adjacent to the former Aykley Head pit, and clay quarry, which operated from 1869 to 1959 although does not appear to have been included in the operational area of the pit or quarry.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

The site is considered as woodland which is self-seeded.

The site is of sufficient size to replace The Sands Common Land although would require a significant number of trees to be removed to provide the open grazing area consistent with Common Lands Registration.

Assessment

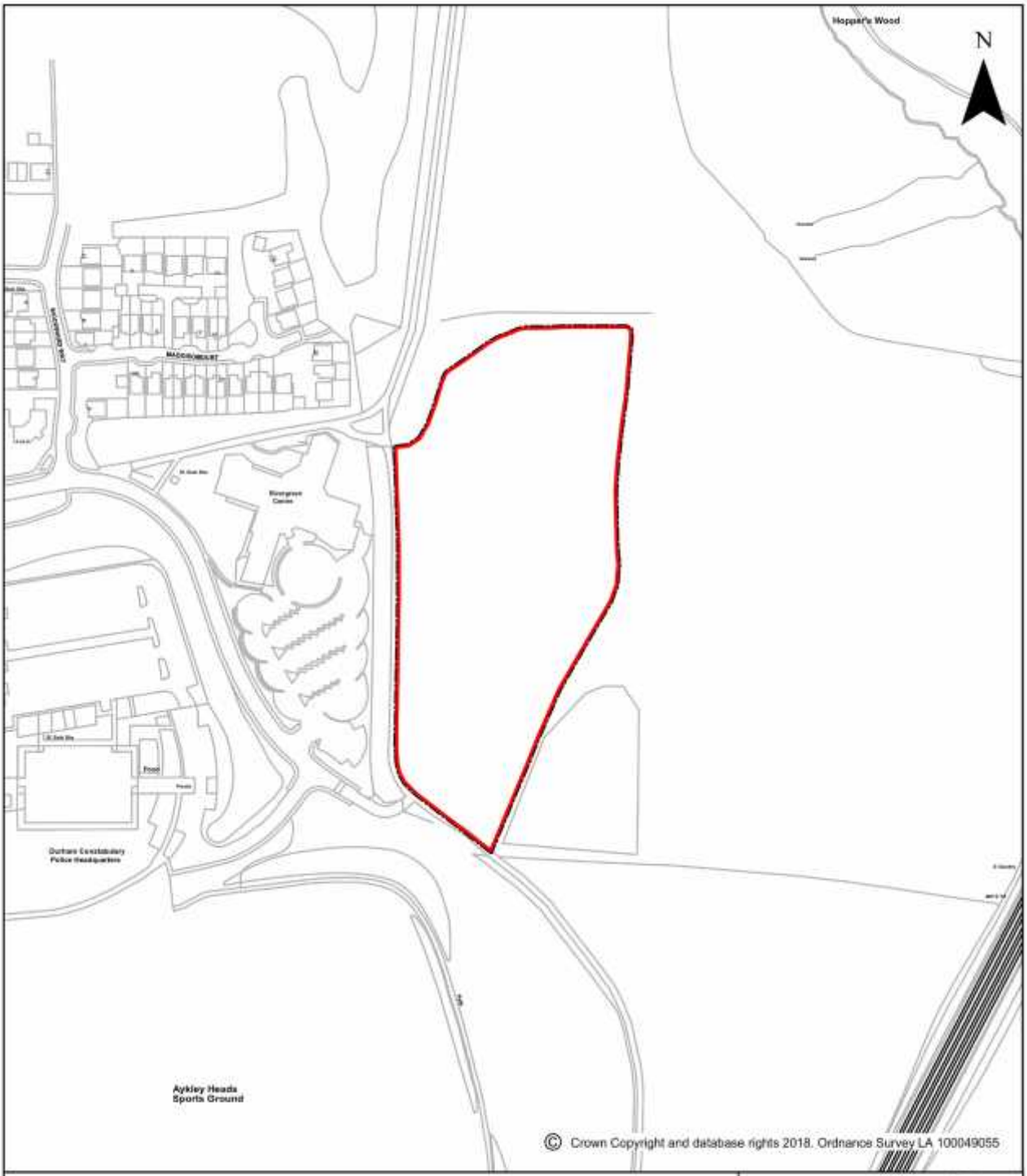
Site area	12,005(m^2)	**UPRN:**	0031S14	**Current use:**	Woodland	**Distance to The Sands** (Straight line)	0.38
Proximity to Public rights of way:	No	**Within a Conservation Area**	Yes – small section in north west corner excluded.	**Tree preservation Orders:**	No	**Ancient Woodland:**	No
Green Belt Status	Yes	**Within an SSSI**	No	**Local Nature reserve/site:**	No	**Area of High Landscape Value:**	Yes

Consultation response

Ecology (Stuart Priestley)	The least ecologically damaging of the options, low quality woodland. Although still some loss of biodiversity there are no direct links to ancient woodland or designated habitats. Might impact on the Aykley Head Masterplan and this would need to be established before this site could be considered.
Archaeology (David Mason)	No comment
Public Rights of Way (Mike Ogden)	No PRoW or informal paths through it but it has a permissive cycle route adjacent to it (DLI up to Framwellgate Moor / Newton Hall).
Heritage & Conservation (David Sparkes)	This is primarily a landscape issue and would therefore default to their comments.
Planning (Henry Jones)	This site is within the Conservation Area, Green Belt and Area of High Landscape Value. There is some current planning history on this site at the moment – planning permission is about to be granted on the land for a temporary period (approx.. 1 year perhaps longer) for use of the site for storage of construction equipment, associated earthworks and welfare facilities by NWL.
Landscape (Ged Lawson)	An area of scrub that has colonised abandoned grassland – but it will have a role to play in the wider Aykley Heads masterplan. I'm not convinced it's a good idea to remove the vegetation or to sterilise it for a single use that might preclude other uses at this stage.

Regeneration (Fiona Ford)	
Suitability:	.

5. Land east of Rivergreen Centre, Aykley Heads:



Possible Common Land replacement site east of Rivergreen Centre

Plan Ref : ARC-18-194. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 21810.875 m², 5.39 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 13/08/2018.

UPRN NO : 3491S01 (Part).

0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

5. Land east of Rivergreen Centre, Aykley Heads

Location and Description:

The site is located on the eastern boundary of the County Hall site in Durham. The site is sloping from north to south.

The land has been in agricultural use since the first O.S plans of 1860. In 2006 as part of the landscape improvement works to Aykley Heads the land was laid out open grazing meadow use in 2006 a use which not been implemented and remains open with no tree cover.

The land was appropriated on the 22nd February 2008 to the Countryside Act for the Minerals Valleys Project (tree planting scheme within the County)

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

The land is of sufficient size to replace The Sands Common Land and would not require any trees to be removed to provide the open grazing area consistent with Common Lands Registration.

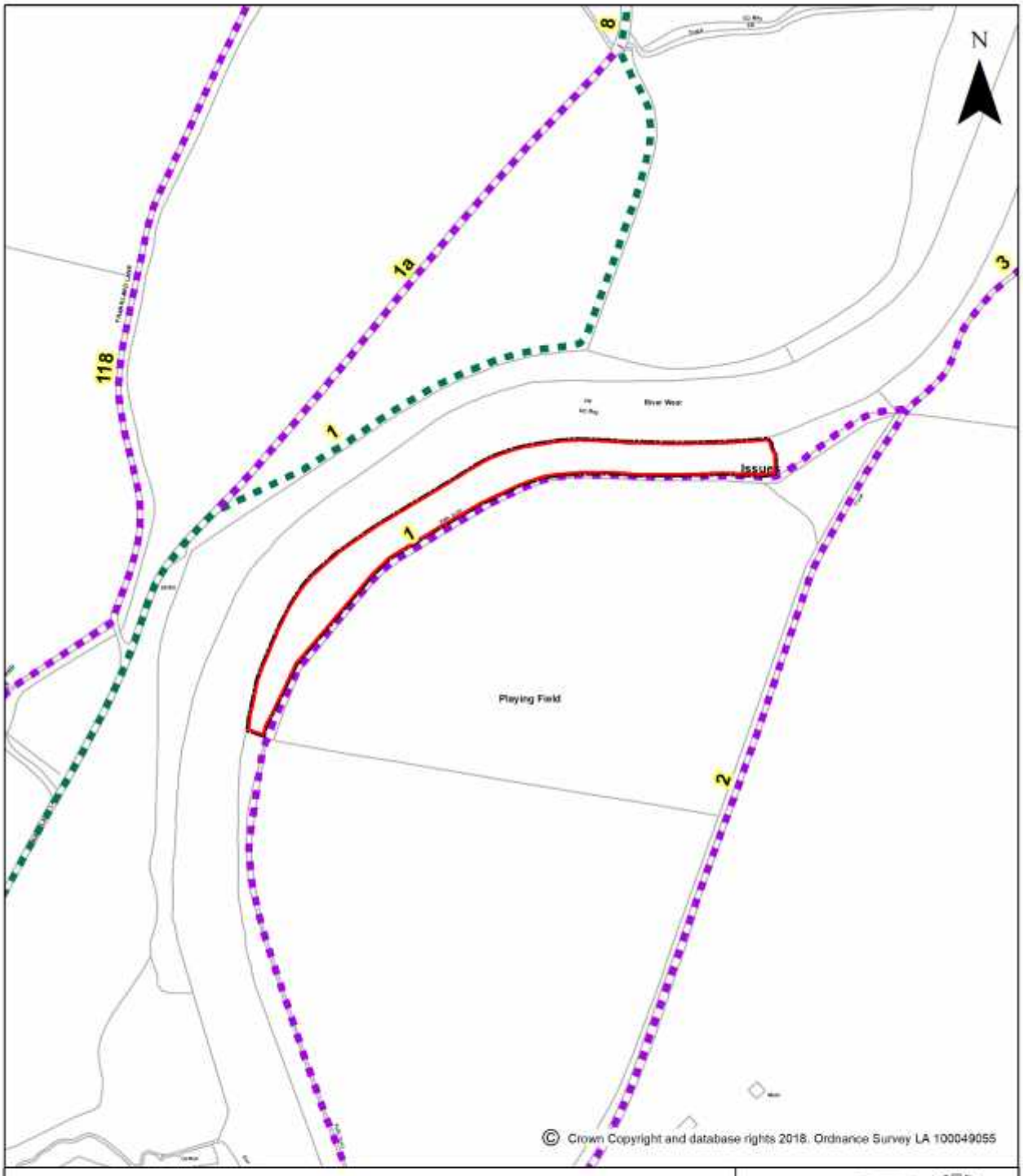
Assessment

Site area	21,811(m^2)	**UPRN:**	3491S01	**Current use:**	Open meadow	**Distance to The Sands** (Straight line)	0.79
Proximity to Public rights of way:	No.	**Within a Conservation Area**	No.	**Tree preservation Orders:**	No.	**Ancient Woodland:**	No.
Green Belt Status	Yes.	**Within an SSSI**	No	**Local Nature reserve:**	Adjacent to Flass Vale Wildlife Site	**Area of High Landscape Value:**	Yes

Consultation response

Ecology (Stuart Priestley)	Currently a good quality semi-improved grassland, again potential for significant biodiversity loss as I assume we would lose control over the management (currently managed by Countryside, annual hay cut). Also the site will form part of the Aykley Head Masterplan and there are concerns that there could be conflict here.
Archaeology (David Mason)	No comment
Public Rights of Way (Mike Ogden)	No PRoW or informal paths through it but it has a permissive cycle route adjacent to it (DLI up to Framwellgate Moor / Newton Hall). Already grazing land and the best candidate by far. The North East Harrier Cross-country league, when they use Aykley Heads as one of their running courses, have tapped out part the course through this site before; it is just grassland as far as I can remember, and already fenced around the perimeter. I can't recall if there are public access points onto the land. Considered in the PROW office to be the best candidate.
Heritage & Conservation (David Sparkes)	This is primarily a landscape issue and would therefore default to their comments.
Planning (Henry Jones)	This site is within the Green Belt and Area of High Landscape Value and is designated as an area of accessible open space.
Landscape (Ged Lawson)	An area of grassland that will have a role to play in the wider Aykley Heads masterplan – again I'm not convinced it's a good idea to sterilise it for a single use that might preclude other uses at this stage
Regeneration (Fiona Ford)	No comment
Suitability:	

6. Land at providence Row, Durham:



Land at Providence Row, Durham

Plan Ref : ARC-18-196. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Red : 5837.78 m², 1.443 Acres or thereabouts.

Based Upon O.S Map : NZ2843. Date: 15/08/2018.

UPRN NO : 0753S03 (Part).

0 75 150 300 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL,
DURHAM,
DH1 5UJ.
TEL 03000 260 000
ASSET MANAGEMENT DIVISION.

6. Land at Providence Row, Durham

Location and Description:

Site is the river bank with riparian vegetation adjacent to the detached school playing for Durham Sixth Form College.

The land is within the Environment Agency flood zones 2 & 3.

Land is located within a Landscape Improvement Area in the current draft of the County Durham Plan.

Site larger than required as a replacement.

Included within the area of the detached school playing field and would require DFE approval to a S77 application.

Assessment

Site area	3,838 (m^2)	**UPRN:**	0753S03	**Current use:**	Open land adjacent to river – riparian land	**Distance to The Sands** (Straight line)	0.9
Proximity to Public rights of way:	Yes – footpath 1 forms the eastern boundary	**Within a Conservation Area**	No.	**Tree preservation Orders:**	No.	**Ancient Woodland:**	No,
Green Belt Status	Yes.	**Within an SSSI**	No.	**Local Nature reserve:**	No.	**Area of High Landscape Value:**	Yes.

Consultation response

Ecology (Stuart Priestley)	Certainly more viable from an ecological perspective, as grazing is far less likely to be detrimental to extant habitats and there would be no clearance of woodland.
Archaeology (David Mason)	
Public Rights of Way (Mike Ogden)	This is a heavily vegetated section of riverbank, adjacent to Public Footpath No 1 Belmont. Removal of vegetation would increase the risk of bank erosion/collapse, reducing both the grazing area and potentially threatening the Public Footpath.
Heritage & Conservation (David Sparkes)	This is primarily a landscape issue and would therefore default to their comments.
Planning (Henry Jones)	This site is within the Green Belt and Area of High Landscape Value and is designated as an area of accessible open space. Public footpath no 1 Belmont Parish passes adjacent to site
Landscape (Ged Lawson)	A more appropriate like for like replacement for land at the sands would be further downstream on the river banks adjacent to the detached playing fields. You could dedicate the whole riparian strip of around 6,850m2 of flat riverside flood plain which would be both similar in character and nearby on the same side of the river. Land preferred by G Lawson - suitability for grazing would be theoretical– like the Sands. You could even transfer fishing rights to the Freemen - like the sands.
Regeneration (Fiona Ford)	Not applicable.

Suitability:	

Received 13 Sep 19

[redacted]

[redacted]

[redacted]

11.09.19

Planning Inspectorate

Attn. Common Land Team

3A Temple Quay House

BRISTOL

BS1 6PN

Re **Durham County Council application to de-register Common Land at The Sands Durham City**

Dear Sir,

I am writing to oppose the de-registering of this Common Land.

I am aware that Common Land does not reflect the popular misconception that it is somehow the property of "The People". I am also aware that the recent use of this land may not have been correct.

However, I am writing to make sure that you are aware that this piece of Common Land has been absorbed into the development of a new County Hall for DCC.

Further, it is accurate to suggest that this Development is universally opposed by the Residents of Durham City and was pushed through by Councillors who do not live in the City. It is reported that there were 1,000 objections to the Planning Application, which DCC submitted to DCC, with letters of support in single figures.

Further, you may be interested to know that DCC started work on the development, including the Common Land, before they submitted an application to you for de-registration. Personally I would see that as arrogance on the part of DCC. It also leaves the situation open to the suspicion that there has been a 'done deal' between DCC and yourselves.

My fundamental point is that you would be hard pressed to find anyone resident in the City who approves of this development or of the de-registering of this land. Most see the development as frankly 'crazy'! You may want to consider whether you wish to be seen as complicit in this undertaking.

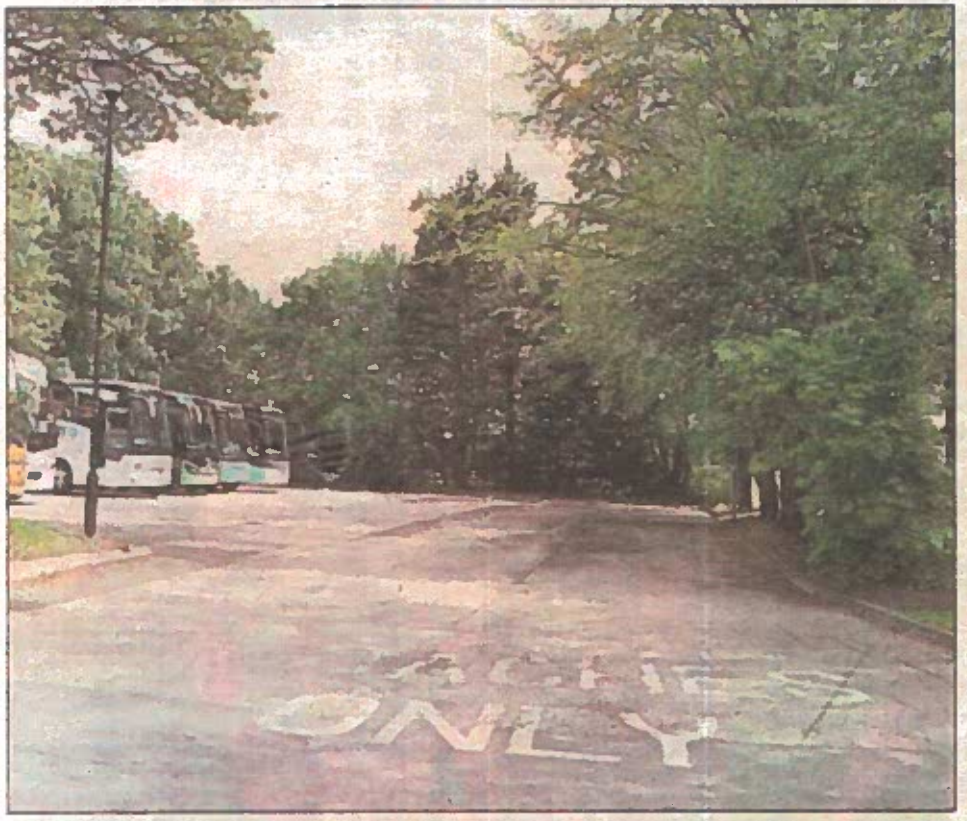
Yours faithfully

[redacted]

Mr. C.M.J.Allen

[redacted]

Application made to de-register common land at The Sands



Durham County Council is applying to deregister part of The Sands, Durham as common land

By Rachel Conner-Hill
Staff Reporter

THE process of de-registering an area of common land is formally underway following an application by Durham County Council.

The authority announced its intention to de-register part of The Sands, in Durham, earlier this year as part of its plans to build its headquarters and a car park on the land.

The area it wishes to de-register, land which, until recently, was used as a coach park, has already been fenced off by contractors working on the project.

The application, made to the Secretary of State for Environment, Food and Rural Affairs, also seeks to register a replacement parcel of common land at Aykley Heads.

A report by the council's said: "The existing coach park use is unauthorised in common land terms, which is a historic issue inherited by the council from the the former City of Durham Council.

"This situation was established during investigations for the proposed new council HQ at the Sands.

"Accordingly, the council needs to make a de-registration application to both address this anomaly and because possession of the release land without the restrictions imposed by registration as common land is required for construction of a new car park for the proposed new council headquarters, which it intends to construct on the adjoining land."

The application was approved by the council on August 20 and was submitted on August 22, ten days after the area was fenced off to allow work to start at The Sands.

The council held an informal consultation prior to the application being made, resulting in a number of objections, including from Natural England, which questioned whether the replacement land serves the community and the Open Space Society which said the public had nothing to gain from the exchange.

Objections were also made by St Nicholas Community Forum, the City of Durham Parish Council, Councillor David Freeman and Gilesgate Residents' Association.

Meanwhile Durham Freeman, which has an interest in the land, described the replacement land as "completely unsuitable".

The replacement land, which is required to be within the vicinity of the land to be de-registered and must be suitable for grazing animals, is a meadow at Aykley Heads, approximately ten times the size of the land at The Sands.

Concerns have been raised about nesting birds and whether the new designation could disturb them.

The application can be viewed at Clayport Library, in Millennium Place, Durham, and at County Hall until September 24.

People can make representations on the proposals by writing to the common land team at the Planning Inspectorate at 3A Temple Quay House, Temple Quay, Bristol BS1 6PN or by emailing commonlandcasework@planninginspectorate.gov.uk.

Davis, Rob

From: Victoria Ashfield [redacted]
Sent: 24 September 2019 13:34
To: commonlandcasework
Subject: Application under S16 Commons Act 2006. The Sands, Durham

Please accept my objection to the enclosure by Durham County Council of common land at The Sands.

It is my understanding that the status of the Freemen of Durham is recognised in documents dating back to 1179 when the burgesses of Durham were granted freedom of the land.

The Sands was registered as Common Land in 1968 and seems to have been subject to rights of common since time immemorial. It was also used in world war two as a Royal Ordnance Depot with the consent of the Freemen who considered this to be in the public interest. The Freemen required the land to be returned to grass when this use ceased.

In 1979 the then City Council sought permission to use the adjoining land for a sports centre and the Freemen agreed on the basis that this would be in the public interest. The sports centre was not built and the agreement was varied by a deed of variation in 1985 to allow use as a municipal car park.

Since January 1995 the then City Council and the Freemen agreed that the Release Land could be used as an extension to the municipal car park. The City Council argued at that stage that Durham desperately needed a car park and coach drop off in this location to support the city centre and this was reflected in the City of Durham Local Plan. The Freemen agreed this use was in the public interest. It has since then made a vital contribution of bringing tourists to the city and has been used daily and often to capacity.

Two events alone where this area has been used to capacity have brought a £7.6m net economic impact in the area.

The land which the county council has offered in replacement is not in any resident's opinion an acceptable offer. It is a walking distance of between 1.8 and 2.9 kms distance and would not serve the existing neighbourhood in any meaningful way. Many local residents who use the Sands area are elderly and have increasingly age -related infirmities. It is impossible to imagine that they would be able to access, let alone use the alternative area.

This would affect me personally as well as many neighbours who have drawn this to my attention. I use the Sands almost daily and would be unable to access the distant area involving an significant incline.

In August 2019 the County Council erected semi-permament fencing around the commmon land and have interfered with access to this land by the Commoners, the inhabitants of the neighbourhood and the public.

I understand this to be unlawful and is already preventing my access to my use of an open footpath.

Please consider my opposition along with others which you have received.

Kind regards,

Victoria Ashfield
[redacted]

Davis, Rob

From: Chris Atkinson [redacted]
Sent: 30 August 2019 10:27
To: commonlandcasework
Subject: Objection to deregister common land

Categories: Green Category

Dear Sir / Madam;
I wish to object to Durham County Council application to de-register common land at the Sands in Durham City.
They are completely ignoring any representations, letters, emails, social media comments.
They are already destroying habitat around the sands, and the area they want to de-register, thinking that giving the locals a field, that has many nesting birds and varying wildlife will be a way out, well it isn't, that will be the next place to be destroyed!
Please don't de-register the sands as common land?

Regards;

Chris Atkinson
[redacted]

Davis, Rob

From: Kathryn Banks [redacted]
Sent: 20 September 2019 14:38
To: commonlandcasework
Subject: Proposed deregistration of Common Land at: The Sands, Common CL29.

Categories: Green Category

Dear Sir / Madam,

We are writing to object to the proposed deregistration of Common Land at the Sands in Durham City.

It is astounding that Durham County Council (DCC) seek to deregister Common Land for their own personal use. The land would be used to guarantee city centre parking for c. 60 members of DCC (next to the new HQ they are building for themselves in the city centre, despite 1000s of objections and petition signatures). The privilege of guaranteed parking in the city centre is highly unusual, and it in no way serves the common good.

In sharp contrast, as Common Land, the 'coach park' is of huge benefit to families in the area, and to all those visiting or living in the city centre. Until DCC fenced off this part of the Common Land (unlawfully?), we walked through this area (the 'coach park') most days. Indeed, since I need a double buggy for my two youngest children, this is the only safe route into town, since the road and pavement on the other side of the 'coach park' are narrow and busy. (The alternative route via Claypath and Providence Row also has sections which are narrow, steep, and busy). Since the area was fenced off (unlawfully?), life has become more difficult and my younger children have had fewer walks out and more journeys by car.

DCC have proposed replacement land at Aykley Heads. However, the area at the Sands is in the city centre (hence DCC's desire to have protected personal parking there). It is a valuable oasis for public use, right in the centre of the city, easily accessible for visitors and residents alike. The land at Aykley Heads is much less accessible. The quicker of the routes (up Sidegate) isn't possible with a buggy or a wheelchair as it is steep and has bumpy cobbles. In any event, even for those fit enough to take this route, the journey is not a short one. The Aykley Heads land is also a nature reserve so not always open to the public.

I understand that the area of Common Land known as the 'coach park' was temporarily leased to the Secretary of State for the Environment to use for the Royal Observer Corps, then assimilated into the 'coach park' after the Royal Observor Corps had surrendered their lease. It should be returned to its natural state to be used as a local amenity.

The common land is a precious resource for our family, as for many residents of, and visitors to, the city. Please preserve it for future use.

Yours,

[redacted]

Residents of Durham City

[redacted]

Common Land Team,
The Planning Inspectorate,
3A Temple Quay House,
Temple Quay,
Bristol,
BS1 6PN

16/09/2019

Regarding:- Durham County Council; The Sands (CL29), Common land deregistering.

Dear Sir or Madam,

I am writing to record my objections in the matter of Durham County Council's (DCC) application to de-register existing common land at the River Wear riverbank, "The Sands" area of Durham city centre, grid ref NZ274429, to be "replaced" by land at Aykley Heads, to the East of the Rivergreen centre, grid ref NZ272438, with the intention of then building on that original "release" land.

I am a County Durham resident, & I visit Durham City at least weekly, all year round, to enjoy its green spaces, riverbanks & wildlife which I find very beneficial to my own health & sense of wellbeing.

It is very rare to find such a green environment in the centre of our cities, particularly in the North East, where Newcastle, Sunderland, Teesside, even York have all suffered from heavily developed concrete urbanised riversides.

A search of the area using Google maps shows the concrete sprawl is beginning to swallow up what green space remains within the centre of Durham City.

A significant concern is that the replacement land being offered is not a substitute for the type of land currently present at The Sands. Such a riverside location, supporting numerous species will be developed under DCCs plan, & the replacement land is neither in close proximity, nor a suitably similar habitat.

Geographically, the replacement land at Aykley Heads is nowhere near to The Sands, being on the opposite side of both the river Wear, & the East Coast railway mainline, on much higher ground, & only accessible via a 1 mile journey through Durham city centre.

Environmentally, Durham will lose out. In destroying the existing habitat at The Sands area, with its numerous mature trees, woodland underplanting & riverbank setting, these losses are simply not being replaced elsewhere, as the Aykley Heads land is already an existing meadow, & so there is a overall loss in green space for Durham.

Over years of visiting The Sands area I have regularly enjoyed witnessing Herons fishing, Swans nesting & fledging their cygnets, & a flock of 6 geese, to name just a selection, all having used the riverside woodland habitat, as nature had intended. This replacement land will not be of any use to them, & so they will be displaced, suffering as a result.

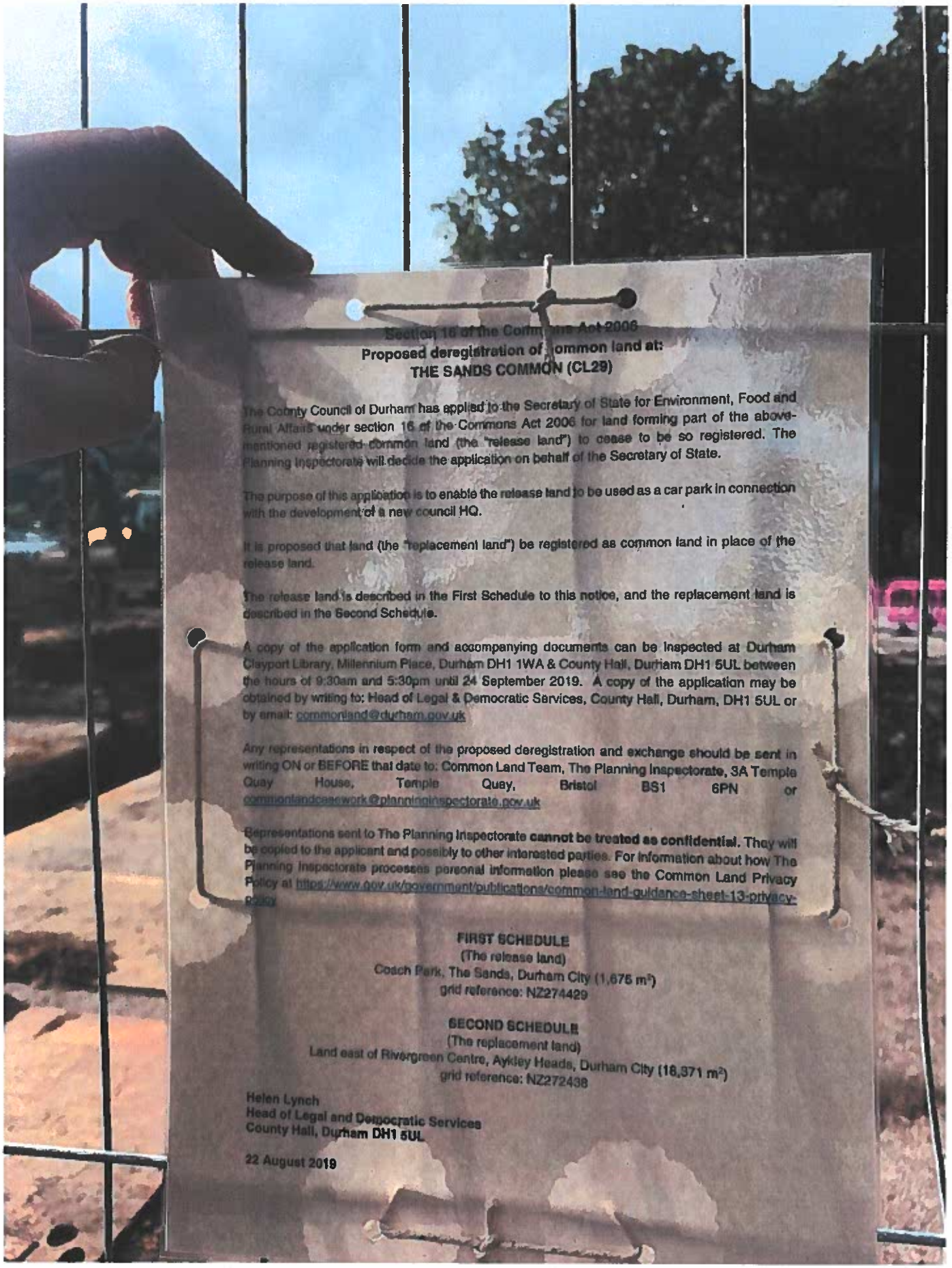
DCCs plan is to build a car park of 1000 vehicle capacity on this "release" land, should they get approval to deregister. A totally backward step in city centre planning. Elsewhere urban planners are trying to avoid additional traffic congestion in city centres, & so promote Park & Ride schemes. DCC choose to ignore their own scheme, & are now encouraging volumes of traffic to travel down the narrow streets of Walkergate, Claypath & Providence Row to access this proposed carpark, linked to their new Headquarters building.

It would be more sustainable, & a better environmental example if DCC left the Sands habitat alone, & practice what they preach, in using their own Park & Ride schemes for DCC employees to reach their new workplace.

DCC, having acknowledged the Climate Emergency, should certainly now see this proposed development for the backward step it is.

Yours faithfully,

Mr Andrew Blackwell



Section 16 of the Commons Act 2006

Proposed deregistration of common land at:
THE SANDS COMMON (CL29)

The County Council of Durham has applied to the Secretary of State for Environment, Food and Rural Affairs under section 16 of the Commons Act 2006 for land forming part of the above-mentioned registered common land (the "release land") to cease to be so registered. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The purpose of this application is to enable the release land to be used as a car park in connection with the development of a new council HQ.

It is proposed that land (the "replacement land") be registered as common land in place of the release land.

The release land is described in the First Schedule to this notice, and the replacement land is described in the Second Schedule.

A copy of the application form and accompanying documents can be inspected at Durham Clayport Library, Millennium Place, Durham DH1 1WA & County Hall, Durham DH1 5UL between the hours of 9:30am and 5:30pm until 24 September 2019. A copy of the application may be obtained by writing to: Head of Legal & Democratic Services, County Hall, Durham, DH1 5UL or by email: commonland@durham.gov.uk

Any representations in respect of the proposed deregistration and exchange should be sent in writing ON or BEFORE that date to: Common Land Team, The Planning Inspectorate, 3A Temple Quay House, Temple Quay, Bristol BS1 6PN or commonlandcasework@planninginspectorate.gov.uk

Representations sent to The Planning Inspectorate **cannot be treated as confidential.** They will be copied to the applicant and possibly to other interested parties. For information about how The Planning Inspectorate processes personal information please see the Common Land Privacy Policy at https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy

FIRST SCHEDULE
(The release land)
Coach Park, The Sands, Durham City (1,675 m²)
grid reference: NZ274429

SECOND SCHEDULE
(The replacement land)
Land east of Rivergreen Centre, Aykley Heads, Durham City (16,371 m²)
grid reference: NZ272438

Helen Lynch
Head of Legal and Democratic Services
County Hall, Durham DH1 5UL

22 August 2019

Davis, Rob

From: [redacted]
Sent: 23 September 2019 15:11
To: commonlandcasework
Subject: Proposed de registration of Common Land at the Sands Co Durham. CL 29

Categories: Green Category

Dear Sir/ Madam,
I wish to submit my objection to the proposed de registration by Durham County Council of the Common Land at the Sands in Durham City, which they intend to appropriate for their own use. Despite this being Common Land they have already fenced part of it off, and felled a substantial number of trees causing inconvenience to the public and tourists and distress to the wildlife. This Common Land is in the City centre and adjacent to the river and so will be a great loss to all.
DCC wish to use this Common Land as a car park to service a new HQ which has received an unbelievable amount of objections from the Public and various groups but which they intend to plough ahead with regardless of all objections and obstacles.
The replacement Common Land DCC have offered in lieu is some considerable distance away, uphill and across the other side of the river. It is not in the City Centre, is too far away, and as a nature reserve it is not always open to the public, so will not benefit those who currently use the Sands Land, and I seriously doubt any could, or would use the alternate land proposed.
De registration of Common Land is a serious issue and affects many, and in this case the " in lieu of" Land is useless and purely a trade off attempt by DCC to accommodate de registration requirements, and achieve their own ends.
Thank you for your time

Yours,
Mrs B Brown
Sent from my iPhonebabs

Davis, Rob

From: Cllr Liz Brown [redacted]
Sent: 22 September 2019 16:03
To: commonlandcasework
Cc: [redacted]
Subject: Proposed deregulation of Common Land at: The Sands, Common CL29

Categories: Green Category

Dear Sirs,

My name is Councillor Liz Brown and I am Parish and County Councillor for the Nevilles Cross division which contains the parcel of land which Durham County Council is proffering as replacement land for the 688 square metres of land which is part of The Sands Common Land. This piece of land is part of Aykley Woods Nature Reserve and is fenced and gated to protect ground nesting birds from disturbance. It is therefore inaccessible to the public for six months of the year and would not be an area that is suitable for redesignation as Common Land with associated rights. As I see it, this is in breach of the Commons Act 2006, Section 16 paragraph 8a.

Apart from this access is poor and it is a not in the neighbourhood of The Sands, being 2 miles away and having the River Wear and railway line between the two sites.

I hope you will consider this representation when you are deciding this matter.

Cllr Liz Brown

Sent from my iPad

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THE CITY OF DURHAM TRUST

Phone (0191) 386 2595
Email chair@durhamcity.org
Web site: http://www.DurhamCity.org

c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH

1 October 2019

Objection to the replacement of Common Land at the Sands, Durham City (CL29)

Dear Sir/Madam

The City of Durham Trust is the Civic Amenity Society for Durham City and the surrounding area. We were founded in 1942 and are familiar with the common land at The Sands; indeed we were the principal objector when in 2004 it was proposed to use part of the common land for a temporary car park during the construction of the nearby Walkergate development.

The Trust's objectives include *"To preserve for the benefit of the public the amenities of the City of Durham and Framwelgate and its surroundings"* and *"To aid in preserving and maintaining public rights of way in the neighbourhood of Durham, and to encourage public co-operation in the protection of objects of natural beauty and interest."*

I am writing in furtherance of those objectives to oppose the proposal by Durham County Council to remove the common land at the Sands.

We have seen the statement made on behalf of the City of Durham Parish Council and the Freemen of the City of Durham and wholeheartedly support it.

In support of the argument within that statement that "The Replacement Land is a walking distance of between 1.8 and 2.9 kms distance and would not serve the existing neighbourhood in any meaningful way", we would add as follows. There is both a natural barrier (the River Wear) and an artificial barrier (the East Coast Main Line) between the release land and the replacement land that is offered. Thus, although the replacement land is 799 metres away as the crow flies, these barriers more than double the distance a pedestrian would need to take. The shortest route is 1,860 metres but this involves using permissive paths which the County Council could close without any formal notice, and might well do as it proposes to redevelop the Aykley Heads estate through which this route passes. The shortest route entirely on public highways is 2,710 metres long. This uses public footpaths not open to motor vehicles and by car the route would be even further.

The Trust reserves the right to submit further evidence to explain its objections in detail and appear in front of an Inspector appointed by the Secretary of State to determine the Application.

Yours faithfully

John Lowe
Chair, The City of Durham Trust

The Trust, founded in 1942, is a non-profit-distributing company limited by guarantee registered in England and Wales, No. 377108
Registered as a charity, No. 502132
Registered Office: Kepier House, Belmont, Durham, DH1 1TW

TRINITY
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19 September 2019

Common Land Casework Unit
The Planning Inspectorate
3A Temple Quay House
Bristol
BS1 6PN

Dear Sirs

RE: APPLICATION UNDER S.16 COMMONS ACT 2006 – THE SANDS, DURHAM

I am instructed under Public Access jointly by the Freemen of the City of Durham ("the Freemen") and the City of Durham Parish Council to object to the application to de-register Common Land at The Sands Durham ("the Application"). This letter should be read alongside the letters submitted by these parties in response to the informal consultation.

It should be noted that in or about August 2019 the County Council erected Heras fencing around the Release Land and have interfered with access to this land by the Commoners, the inhabitants of the neighbourhood and the public. By letter of 3 September 2019 the County Council advised that a private contractor is laying an electricity supply across the land and has asserted that these operations are exempt from the requirement for commons consent by reason of s.38 of the Commons Act 2006. This is wrong as a matter of law as s.38(6)(d) only applies to "works for the installation of electronic communications apparatus for the purposes of an electronic communications code network". In plain English this exemption is only available to registered organisations providing a landline, broadband, cable or mobile network. It does not permit works for the supply of electricity.

Since 13 August 2019 the Freemen have repeatedly asked the County Council to remove this fence and this correspondence has been ignored. This unlawful action by the County Council and scant disregard for commons law is deprecated by the Parish Council and the Freemen.

Background

The Freemen have rights of common over the Release Land, including rights of herbage. The Parish Council ("the PC") represent the residents of their parish in Durham and the public generally whilst using the Release Land. The PC represents three wards in Durham including Elvet & Gilesgate where the Release Land is situated.

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The Freemen have existed in Durham since the first charter granted in 1179. They originally comprised the members of sixteen guilds, but this is now eight. The Freemen have various privileges in the City, including rights to graze animals on the Release Land and take rents for disturbance with these rights. The income of the Freemen, including rents, are in the modern day applied to charitable causes including trade apprenticeships and local good causes.

The Application is to de-register an area of 0.17 acres which forms part of the larger unit CL29 comprising 2.91 hectares. The Register sets out rights for 20 cows, 50 sheep, 10 goats and 10 horses to graze over the whole of the land in the register unit. However it should be noted that the Indenture of 18th September 1850 grants rights for *"all commonable cattle as the said several persons parties hereto do hereby acknowledge and declare"*.

The Application states its purpose as being "to free up" the Release Land for redevelopment as part of the new Durham County Council HQ building [18/02369/FUL]. The Release Land would not accommodate any of the HQ building but would provide 60 "controlled" car parking spaces.

The Legislation

The Application falls to be considered under s.16, having regard to the following criteria –

(a) The interest of the person having rights over the release land;
(b) The interests of the neighbourhood
(c) The public interest in :
  (i) nature conservation
  (ii) conservation of the landscape
  (iii) protection of public rights of access
  (iv) protection of archaeological remains and historic features
(d) Any other relevant matter

History of the Land

An understanding of the history of this land is critical to understanding any impact on its commoners or its value to the public. The status of the Freemen of Durham is recognised in documents dating back to 1179 when the burgesses of Durham were granted freedom from various duties and tolls by Bishop Hugh de Puiset. The Sands was registered as Common Land in 1968 and has in all likelihood been subject to rights of common since time immemorial. The Release Land was used in world war two as a Royal Ordnance Depot with the

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consent of the Freemen who considered this to be in the public interest. The Freemen required the land to be returned to grass when this use ceased.

In 1979 the then City Council sought permission to use the adjoining land for a sports centre and the Freemen agreed on the basis that this would be in the public interest. The sports centre was not built and the agreement was varied by a deed of variation in 1985 to allow use as a municipal car park.

On 18 January 1995 a lease was made between the then City Council and the Freemen so that the Release Land could be used as an extension to the municipal car park. The City Council argued at that stage that Durham desperately needed a car park and coach drop off in this location to support the city centre and this was reflected in the City of Durham Local Plan. The Freemen agreed this use was in the public interest.

The County Council's Case

The County Councils case as set out in the Application appears to be that deregistration will be positive, in terms of the replacement land being of better quantity and quality and that "the benefits of the new Council HQ at The Sands are so significant that the public benefit in securing these benefits outweighs any relevant harm arising from the loss of the Release Land as Common Land".[1]

In relation to the Commoners the County Council state there were "no viable alternatives" which would reduce the impact on grazing rights and that the Replacement land is suitable for grazing. Secondly that the Freemen will continue to receive compensation for fairs etc on the CL and on that basis will be no worse off.

In relation to the neighbourhood the County Council accept that the Replacement land will not serve it but assert that the Replacement land will not be less convenient for public access.

In relation to public access the County Council asserts that deregistration will not affect recreational use of or access to the remainder of the CL.

The Objection

The first point of objection is that the Release Land is not necessary for successful delivery of the County Council's new HQ. There is no justification at all in either the Planning Statement or the Design and Access Statement that a car park is required on the common land. It is perfectly obvious that car parking could be provided elsewhere on County Council or third party owned land, or within the proposed multi storey car park,

[1] §4.1

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without any prejudice to the project. Therefore all of the claimed "public benefits" of the HQ project are not relevant to the matter of de-registration.

The Freemen have enjoyed rights of herbage on the common land since before 1850 and probably from time immemorial. At various points in time the Freemen have recognised that temporary uses of this land which interfere with their rights may be in the public interest and can be tolerated. The assertion by the County Council that the Freemen have in the recent past *only been interested in compensation* is a gross misrepresentation. Firstly the compensation for fairs and circuses is used to repair any damage to the land afterwards. Secondly the rent for the municipal car park is set at less than a market rent in recognition of the public interest in accommodating this use. Thirdly the claim at 4.4.1 that there are no viable alternatives to using the Release Land is completely without explanation.

The Freemen have for many centuries managed The Sands as common and have preserved it from development. It is their wish that the Release Land should ultimately be returned to grass once the parking has ceased for the better enjoyment of the commoners and the public. This would allow it to be managed as an amenity area and protect it from further development. If the land is deregistered there would be nothing to prevent the County Council from developing it for some other use contrary to the public interest.

The Application also fails to acknowledge that the coach park is a valuable public asset which contributes to the function of The Sands as a facility for public events. For example the fairs and circuses would not find the common land an attractive venue absent the ability to park coaches and service vehicles nearby for the duration of the events. These are not simply modest local events but include the Pride Festival and Durham Lumiere which has a £7.6m net economic impact in the area. Further it is wrong to assert that taking the Release Land for private (as opposed to public) parking would not impact on the level of compensation paid to the Freemen.

There is no statutory definition of neighbourhood. However the courts have given guidance on the term in the context of s.15 of the Commons Act. Sullivan J in *The Queen (Cheltenham Builders Ltd) v South Gloucestershire District Council [2003] EWHC 2803 (Admin)* held that it was not a line on a plan but "communities with a sufficient degree of cohesiveness" in relation to the land. In this case we say the neighbourhood comprises the area of housing between Providence Row, the river and Claypath from which people use the common land every day throughout the year. This neighbourhood has rights to use the land for their benefit in terms of health, comfort and convenience. Given there is mainly terraced housing in this area with limited private amenity space, the open space of The Sands has significant value for activities such as dog walking and general recreation. The argument that the Release Land is not used by the public because it is a car park ignores the reversionary position of the land returning to grass. Further the people of the neighbourhood do walk across

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this land to access the remainder of the common land and the piecemeal erosion of access to The Sands is a matter of huge concern.

The Replacement Land is a walking distance of between 1.8 and 2.9 kms distance and would not serve the existing neighbourhood in any meaningful way. The County Councils assertion that the Replacement Land is "extremely accessible" on foot from The Sands is unarguably wrong. Secondly the Replacement land is all uphill from The Sands which further reduces its accessibility.

The wider public also have statutory rights for air and exercise on registered common land under s.193. Whilst the Release Land is a modest portion of the overall common land unit this does not in any way diminish public rights over it. The land is in an attractive area of the city, adjacent to the river Wear and the city centre. The area is popular and residents of Durham who are visiting the city centre may use the common land for recreation on the same trip.

Durham is also a popular destination for national and international visitors and this group may visit attractions such as the Castle and Cathedral and then choose to walk on The Sands. It is the nearest open space to the city centre and is well used by visitors from outside the area. The Sands is part of the open Wear Valley which penetrates into the built up area and contributes to the landscape setting of the city. The argument that the Release Land is a small part of the common could simply be repeated again and again and there would be nothing left in the future.

The County Council asserts that the landscape impact of the car park on the Release Land would be moderate adverse. However this landscape assessment was undertaken on behalf of the County Council for the purposes of securing planning consent and is not considered objective. It also does not consider harm which will be caused to the wider landscape by the new HQ building and multi storey car park. If the County Council is pursuing an argument whereby the impact of the whole HQ project is classed as a public benefit then in the interests of equity the harm to the landscape of the whole project should be weighed in the balance. It should be noted that the Secretary of State for the Environment held in 2004 that The Sands CL contributes greatly to the character and appearance of the area[2].

The Replacement Land is wholly unacceptable for the following reasons –

- It is inaccessible from the neighbourhood and to members of the public generally
- It is less attractive than the Release Land set in the river valley with views of the city
- There is no access by road to transport grazing animals to the land

[2] S.194 application The Sands temporary car park

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- The land will remain fenced and have a gated access which is not attractive
- There is poor vehicular access to the land
- The land will not be attractive or accessible to national and international visitors
- The Freemen do not desire fragmented common land which does not serve the purposes of the existing common land unit

The Freemen and the Parish Council reserve the right to submit further evidence to explain their objections in detail and appear in front of an Inspector appointed by the Secretary of State to determine the Application.
If you require any further information then please do not hesitate to contact me.

Yours faithfully

[redacted]

Miss Nicola Allan

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RECEIVED 23/09/19

[redacted]

Durham

[redacted]

20th September 2019

Dear Sirs,

Re Application by Durham County Council to deregister land at

The Sands, Durham City.

I write to object to this application.

Because the documentation which was put out for consultation was incomplete, and there is a time limit for responses I reserve the right to add to this objection, should the County Council see fit to put in place the appropriate documentation

I have already written to you about this failure(enclosure 1).

I set out a table of events.

1. January 2015 A Council Meeting at which a decision was made to Relocate its headquarters.
2. July 2017 Contract let to Keir Developments relating to construction and design.
3. 17 January 2018 Full Business Case put to the council about relocation
4. April 2018 Creation of Durham Parish Council

5. 12 July 2018 Public consultation at Freemans Quay.

6. 24 January 2019 First report to Council which states that the land chosen for relocation, is common land.

The one and only reason that the Council, wish to have this land deregistered, is that they failed to undertake the basic requirements of simple conveyancing when they were considering relocation of their new headquarters, that is ,it did not make any searches in its registers as to the status of the land being considered, and this is borne out in the letter which I wrote to the Council in July.

On requesting information I was explicitly told that no other reports had been made, and this is borne out in the Council's reply to me.

That failure meant hat the Council continued with this project despite the fact that the land in question, was not only Common Land, but also subject to an agreement made in1966, which specifically prevented the use of this Site for building.

In view of its responsibilities under The Commons Act, as a County Council it seems almost beyond belief, that such an application should be made.

I also find it remarkable that nowhere in its application, does the Council allude to the real reason for the application which would appear to be to correct an administrative error.

I can find no such ground for an application in the act.

In its statement at para.3.6 reference is made to DEFRA,s Common Land Consents Policy and in particular to the effect deregistration will have on those

benefitting from the Common Land.

It is my opinion that the proposed use of the land for building and parking will have a considerable disbenefit.

This land has extremely poor access, down a steep one way road, and up Providence Row which is extremely steep. There are going to be bad traffic problems, which will make life difficult for those living in the adjacent properties, with the consequent pollution problems.

What is at present,(or was until the Council have begun work on the site) a pleasant wooded river bank car park, has already been turned into an urban dessert land with trees already lopped back , and heavy vehicles, and the usual detritus of a building site. The site as it has been destroyed is hideous.

This is of course work done by the Council prior to the hearing of this application and without consent, in fact a criminal offence under s.38 of the commons Act.

The Council,s statement then asks will local people be prevented from using The land in the usual way, to which the answer is a resounding yes.

At the moment, it has, without consent, prevented access to the whole site, And nothing suggests that this will be altered.

Having been born in this glorious County,I have many childhood memories of bus trips into Durham to the ice rink, and then walking along the river, and across this very site. All of this is now an urban desert.

The Council then deals with the ," no worse off principal "of the exchanged

Land.

The proposed land is larger than that on the Sands, However it is remote from The town centre, and is not available in any way for the casual stroll along the river banks which we as children enjoyed.

The Council fail to state in their reports that the use of this land for major Employment,is in fact contrary to their own recently proposed structure plan. In that document, the site is included within the city retail area, and this was not amended in the reissue, despite the fact that I had pointed this out at the Consultation.

.I am puzzled by Appendix V .

This refers to a document dated 18:1:1996 which is a lease for a term of years Until2080.There is reference to a condition that the Council will "not do Or permit any building" on this site.

The statement continues saying

"It is unclear whether the 1995 (sic 1996) will survive a successful deregistration".

What does this mean? What are the Council saying?

This agreement clearly prevents the use of the proposed deregistered for the purpose of building. They appear to be proposing a site , which because of its legal constraints, cannot be used for their intended purpose. Why is this application being made, when the site is specifically prevented from being used as proposed, and indeed as it is currently being illegally used.

I object to this application'

[redacted]

Jean B. Crowden

Enclosures.

1 letter to Durham County County Council 26 :7:2018

2 letter from Durham County Council17:8:1018

[redacted]

26th July 2018

Dear Mr Collins,

Re Consultation relating to new Council Offices'

On Thursday 12th 2018, I attended the consultation at Freeman's Quay. I requested a copy of the report to the Council relating to planning issues (i.e. will this project get planning consent) raised by the proposal to build the new Council Offices on The Sands. I was told there was no such report. I was surprised and restated the question, in case I had been misunderstood. I then explained that I had run a legal department in a Local authority and that before a penny was spent on entering contracts such as this I would have required such a report to the Council.

A female member of staff the interposed "no contract has been entered into". I expressed surprise and that I had read in the Northern Echo, that a contract had been entered into with Keir ltd, whereupon she intervened to correct me," Keir Developments Ltd".

I then asked again whether or not a contract had been entered into, and this time the reply was "yes".

A gentleman the intervened saying that he worked for the architects and been under contract since last July.

I then said that as I was getting nowhere with the planning situation, could

I see the traffic appraisal that had considered the traffic consequences of introducing so many more people to the Sands. I explained that I had been delayed on my way to the consultation. I had followed a very large German bus, which had pulled up very neatly in the bay provided. The doors to these buses open at right angles to the bus, and as the road is so narrow there the open doors preclude access to the highway for traffic.
A member of your staff described by a colleague as in charge of traffic, then remarked that they were having trouble with foreign buses , which provoked me into responding that I understood the County Council to be pleased to welcome foreign visitors.
He then said that I should have used the park and ride. I explained that It was full, and indeed always was on a week day and he said that was not the case. I told him I used the A177 park, and he then agreed that it was busy and landlocked.
I then asked again for the road traffic report, and was assured that none existed.
I then asked why anyone would even contemplate building on the Sands and that I professionally had encountered a major problem some years ago that required very expensive remedial works. There was no response.
Could you please tell me whether or not reports were put before the Council, prior to the letting of this contract, which dealt with the likelihood of obtaining planning consent, and the traffic consequences .If so can I have copies.
I am 82 years old. I was astonished to be accused of telling lies, and felt

both harassed and humiliated by the experience.

I leave the behavior of the Council staff to you.

Yours faithfully

Jean B Crowden.

Contact: Lorraine O'Donnell
Direct Tel: [redacted]
email: [redacted]
Your ref:
Our ref: LO/CL

17th August 2018

Jean B Crowden
Churchside
Hett Village
Durham
DH6 5LR

Dear Ms Crowden

Consultation relating to new council offices

Thank you for your letter to the chief executive dated 26th July 2018 in response to the pre-application consultation for the council's new HQ on the site of The Sands car park. Terry Collins has asked me to reply on his behalf. I'm pleased that you chose to attend the event and very grateful that you have passed on your comments with regard to your experience of doing so.

I am sorry however, that you feel so disappointed by your interaction with the team. I would like to respond to the points you have raised. I would also like to emphasise that the status of proposed development is that a planning application has been submitted and is available for comment on the council website.

Firstly, in terms of the request that you made relating to a planning report, the team were unable to answer this question as a report of this nature has not been produced. Our decision making process has been based on a Treasury Green Book Business Case process in which the council (with external advisors) have worked through the three stages of the business case process. This process is considered good practice for large public sector projects. The Strategic Business Case was considered by the Council's Cabinet in July 2015; followed by the Outline Business Case in July 2016 and finally by the Full Business Case (FBC) in January 2018. All of these reports are available on our website. A key element of the FBC is a robust procurement process which selected Kier as the council's preferred delivery partner.

Planners and traffic officers have advised the project team on the suitability of sites and this work has fed into the Full Business Case (FBC). Site investigations have also been undertaken on The Sands car park site.

In terms of contractual position with the Council, as agreed by Cabinet in January 2018, the Council entered into a Pre-Development Services Agreement with Kier in March 2018.

Much traffic analysis has been done to date and a full Traffic Assessment is available as part of the planning application which you can review on our website.

We absolutely welcome coach travel and are working with the coach operators to provide arrival and drop off points that better meet their needs.

Your views are valued by the Council and I would like to thank you again for taking the time to consider the proposals by attending the event and sharing your experience with us.

Yours sincerely



Lorraine O'Donnell
Director of Transformation and Partnerships

Davis, Rob

From: Elaine Denby [redacted]
Sent: 26 August 2019 15:32
To: commonlandcasework
Subject: Proposed Deregistration of Common Land at The Sands, Durham, Common CL29
Attachments: Proposed deregistration of common land at The Sands, Durham, CL29 .docx

Categories: Do

Dear Common Land Casework Unit

Proposed Deregistration of The Sands Common, Durham: CL29

Dear Common Land Casework Unit

Proposed deregistration of common land at The Sands, Durham, Common CL29

I write as a Commoner with rights on the Common Land, which Durham County Council is proposing to deregister. I strongly object to this proposal.

Durham County Council misleadingly claims that this land was accidentally classed as Common but this is not the case. This parcel of land is part of the whole Common, recorded since 1850 and should have been returned to its original state once the Royal Observer Corps lease was surrendered in 1994. No application was made to DEFRA for change of use into a car park in contravention of the laws relating to Common Land.

As this land is registered as Common Land it is also therefore designated as open access land under the Countryside and Rights of Way Act, 2000; so the public have a right to walk and run on it - "a right to roam".

I strongly object to Durham County Council's intention to assimilate this area into their HQ development to be used as their private car park as this will restrict public access to this space, which is still part of the Common Land and should be available for that purpose.

This land is extremely important to residents, locals and visitors. The land is used by the public on a daily basis as a right of way, serving as a safer place to walk than the narrow road. The land in question has the function of bringing visitors, locals and residents who use that place for leisure/recreation and taking the air. I use this land on a regular basis as a safe walking route and to access The Sands from the footpath along the river.

This Common Land is important to me and other locals alike and it should not be rendered totally inaccessible and used as a private car park by the Council.

Durham County Council have illegally fenced off this area of Common Land and commenced works before the deregistration process has been initiated. This has been done deliberately and without any formal notice to deter the public from commenting by giving the impression that the deregistration is a fait accompli.

The Council have submitted a misleading photograph of the Common Land in question to the Planning Inspectorate, to give the impression that it is unattractive and bare of vegetation when in fact the area comprises mature trees and greenery which are an inherent part of a designated conservation area providing visual amenity, protection against increasing air pollution and acting as a natural defence against flooding. The trees are an important habitat for wildlife acting as a bat corridor and a place for nesting birds.

The alternative site offered at Aykley Heads is not acceptable. It is not in close proximity and the importance of the existing Common Land lies in the fact that it is an integral part of the larger Sands area and provides important

access to it. Locals and residents need this open space to remain close to them. Moreover the replacement land offered by the Council is not accessible all year round as it is fenced off for months at a time, as it is a site for ground-nesting birds.

Please refuse this application for the deregistration of this Common Land in the interests of the neighbourhood with particular regard to nature conservation, the conservation of the landscape and the public's right to access.

Yours sincerely

Elaine Denby

[redacted]

email: [redacted]

26/8/19

Dear Common Land Casework Unit

Proposed Deregistration of The Sands Common, Durham: CL29

I write as a Commoner with rights on the Common Land, which Durham County Council is proposing to deregister. I strongly object to this proposal.

Durham County Council misleadingly claims that this land was accidentally classed as Common but this is not the case. This parcel of land is part of the whole Common, recorded since 1850 and should have been returned to its original state once the Royal Observer Corps lease was surrendered in 1994. No application was made to DEFRA for change of use into a car park in contravention of the laws relating to Common Land.

As this land is registered as Common Land it is also therefore designated as open access land under the Countryside and Rights of Way Act, 2000; so the public have a right to walk and run on it - "a right to roam".

I strongly object to Durham County Council's intention to assimilate this area into their HQ development to be used as their private car park as this will restrict public access to this space, which is still part of the Common Land and should be available for that purpose.

This land is extremely important to residents, locals and visitors. The land is used by the public on a daily basis as a right of way, serving as a safer place to walk than the narrow road. The land in question has the function of bringing visitors, locals and residents who use that place for leisure/recreation and taking the air. I use this land on a regular basis as a safe walking route and to access The Sands from the footpath along the river.

This Common Land is important to me and other locals alike and it should not be rendered totally inaccessible and used as a **private** car park by the Council.

Durham County Council have illegally fenced off this area of Common Land and commenced works before the deregistration process has been initiated. This has been done deliberately and without any formal notice to deter the public from commenting by giving the impression that the deregistration is a fait accompli.

The Council have submitted a misleading photograph of the Common Land in question to the Planning Inspectorate to give the impression that it is

unattractive and bare of vegetation when in fact the area comprises mature trees and greenery which are an inherent part of a designated conservation area providing visual amenity, protection against increasing air pollution and acting as a natural defence against flooding. The trees are an important habitat for wildlife acting as a bat corridor and a place for nesting birds.

The alternative site offered at Aykley Heads is not acceptable. It is not in close proximity and the importance of the existing Common Land lies in the fact that it is an integral part of the larger Sands area and provides important access to it. Locals and residents need this open space to remain close to them. Moreover the replacement land offered by the Council is not accessible all year round as it is fenced off for months at a time, as it is a site for ground-nesting birds.

Please refuse this application for the deregistration of this Common Land in the interests of the neighbourhood with particular regard to nature conservation, the conservation of the landscape and the public's right to access.

Yours sincerely

Elaine Denby

Davis, Rob

From: shaun dorar [redacted]
Sent: 30 August 2019 14:21
To: commonlandcasework
Subject: common land at the sands in Durham city.

Categories: Green Category

Sir, I must write to object to the proposals made by Durham County Council regarding the de-registration of common land at the sands in Durham city. The council have ignored protests concerning it's new HQ to be built on this land regarding cost, transport, parking and environmental issues and show a blatant disregard for the residents of Durham city as well as its own workforce. should this be allowed then under current proposals the allocated parking will be insufficient for the amount of workers and visitors who would need to use this building which will result in a further application "In Hindsight" to change a further parcel of land over to parking. Furthermore the land which the Council plans to use in exchange is in a rural location and has a limited public access as well as being home to ground nesting birds and various other endangered flora and fauna and is therefore totally unsuitable for the exchange.

Yours Shaun Doran.

Davis, Rob

From: Dennis Findley [redacted]
Sent: 24 August 2019 09:48
To: commonlandcasework
Subject: Common Land The Sands Durham City

Categories: Do

We object most strongly to the deregistration of the common land at The Sands
We are disgusted that over 60 trees have already been removed from this wildlife corridor in the City
It was sad to see many local residents in tears whilst witnessing the destruction, the home to many species
We have used the riverside pathway and common for the 40 years we have lived in the City and cannot believe the arrogance of those in charge of the project, to allow work on the common which may not be deregistered. Everything is now fenced off.
The replacement land is 3 miles away which is ridiculous.
The common land if deregistered will be used for a staff car park which is completely unnecessary as 2 five storey car parks will be opposite. One already exists the other to be built as part of the project. So unnecessary to bring such a high number of cars into the City
Dennis and Anne Findley
[redacted]

Davis, Rob

From: commonlandcasework
Sent: 26 September 2019 13:17
To: Davis, Rob
Subject: FW: Application under S16 Commons Act 2006. The Sands

From: Frank Firth [redacted]
Sent: 24 September 2019 17:32
To: commonlandcasework <CommonLandCasework@planninginspectorate.gov.uk>
Subject: Application under S16 Commons Act 2006. The Sands

Please accept my objection to the enclosure by Durham County Council of common land at The Sands.

It is my understanding that the status of the Freemen of Durham is recognised in documents dating back to 1179 when the burgesses of Durham were granted freedom of the land.

The Sands was registered as Common Land in 1968 and seems to have been subject to rights of common since time immemorial. It was also used in world war two as a Royal Ordnance Depot with the consent of the Freemen who considered this to be in the public interest. The Freemen required the land to be returned to grass when this use ceased.

In 1979 the then City Council sought permission to use the adjoining land for a sports centre and the Freemen agreed on the basis that this would be in the public interest. The sports centre was not built and the agreement was varied by a deed of variation in 1985 to allow use as a municipal car park.

Since January 1995 the then City Council and the Freemen agreed that the Release Land could be used as an extension to the municipal car park. The City Council argued at that stage that Durham desperately needed a car park and coach drop off in this location to support the city centre and this was reflected in the City of Durham Local Plan. The Freemen agreed this use was in the public interest. It has since then made a vital contribution of bringing tourists to the city and has been used daily and often to capacity.

Two events alone where this area has been used to capacity have brought a £7.6m net economic impact in the area.

The land which the county council has offered in replacement is not in any resident's opinion an acceptable offer. It is a walking distance of between 1.8 and 2.9 kms distance and would not serve the existing neighbourhood in any meaningful way. Many local residents who use the Sands area are elderly and have increasingly age-related infirmities. It is impossible to imagine that they would be able to access, let alone use the alternative area.

This would affect me personally as well as many neighbours who have drawn this to my attention. I use the Sands almost daily and would be unable to access the distant area involving an significant incline.

In August 2019 the County Council erected semi-permament fencing around the commmon land and have interfered with access to this land by the Commoners, the inhabitants of the neighbourhood and the public.

I understand this to be unlawful and is already preventing access to use of an open footpath.

Please consider my opposition along with others which you have received.

Kind regards,

Frank Firth
[redacted]

Davis, Rob

From: bernadette forster [redacted]
Sent: 04 September 2019 21:36
To: commonlandcasework
Subject: Durham Council - application to redefine common land at 'The Sands'

Categories: Green Category

I am writing to raise my objection to the application to reclassify common land by Durham County Council to allow redevelopment for their own HQ, own planning purposes.

There are a great many objections to the development at the riverside location, these objections so far have been discounted by the council planning department as the application is by and for the council themselves with no third party checks.

The common land in question was, up until recently I, utilised for parking for disabled and tourist coaches. The land even though still classified as common land has been cordoned off in readiness for building works before approvals have been made.

Alternatively parking has been found inadequate and has not shown proper traffic management and is outside of the city itself.

The common land is question is adjacent to the River Wear, an area of outstanding beauty and ecological importance. Otters have been sighted in the river opposite to the site and unusual bird species are evident in the area.

This common land is also adjacent to a green area utilised by the community for leisure and as host to community activities including fun fairs, community fairs and the miners gala.

The area as a whole has been subject to, and is still subject to, intense building works, still ongoing - the further impact of yet more works will impact the overall traffic management, or lack there of, for this already busy area; could impact ecology of the river and natural area and wildlife (for which no studies are evident) and as common land is by definition owned in common, collectively for common use, this has now been restricted.

I must question whether the hoarding erected to prevent access has been done correctly within the understanding of common land as, as such the people of Durham can no longer exercise the right to access this land.

It is my understanding that there is legislation and a will to protect common land and thus by allowing Durham County Councils petition to remove this land for their own purposes (that have already been strongly objected to by the collective and ignored) that this would fly in the face of the legislation and contradict the purpose of the common land. Therefore I must strongly object to the petition for reclassification.

I thank you for your consideration

Bernadette Forster

[redacted]

Sent from my iPhone

Davis, Rob

From: Cllr David Freeman [redacted]
Sent: 19 September 2019 15:09
To: commonlandcasework
Cc: Cllr Richard Ormerod
Subject: Proposed application for deregistration part of Common Land at the Sands, Durham

Categories: Green Category

Proposed application for deregistration part of Common Land at the Sands, Durham
Section 16 Commons Act 2006

Dear Sir/Madam

As the Durham County Council councillors for Elvet and Gilesgate ward which covers The Sands we oppose the application made by Durham County Council to deregulate part of The Sands Common Land.

The land Durham County Council is seeking to deregister is part of the much wider Common and should be returned to its natural grassed state so that it can continue to be used as a local amenity by the community.

For too many years this part of The Sands Common Land been unavailable for residents use being used as a car park, coach park and prior to that used by the Royal Observer Corp.

These uses of the site do not however alter that the land forms part of the wider common land of The Sands, which was provisionally recorded as common land in 1968 with the registration becoming final in 1980.

Cllr Freeman was a councillor on City of Durham Council when it investigated the use of parts of The Sands common land as a temporary carpark. The City of Durham Council investigations showed that the common land rights dated back to at least the mid nineteenth century with the Freeman of the City of Durham holding the rights to the herbage of The Sands. Rights to herbage are rights granted to Commoners. The Trustees of the Freeman of the City agreed in 1982 to grant a temporary lease to the Secretary of State for the Environment of a piece of land on The Sands Common for
use as a temporary building by the Royal Observer Corps. The lease was surrendered by Deed dated 28th February 1994. Cllr Freeman can confirm that this piece of The Sands is what was until a few months ago the 'coach park'. It however remains Common Land and should obviously have been returned to its original state. The Common Land is very important to local residents and is used daily. DEFRA Guidance notes on Commons states that the Minister will form an opinion as to consider "health, comfort and convenience' of the inhabitants and the 'advantage of the persons interested in the common'. The removal of this part of the Common land will stop the site being used for leisure/recreation purposes. This area the Common Land is the only part of The Sands to have mature trees which are invaluable to the overall environment of The Sands.

Durham County Council is offering replacement land for the removal of the Common land in our ward. This land is however not in our ward. The land is a 20-30 minute walk away on footpaths next to very busy roads. Our residents using The Sands Common do so because it is within walking distance of where they live and many will use it to walk into Durham city centre. The replacement land is therefore no replacement at all for our residents. The land offered in substitution is too far away but is also land that is not useful to Durham County Council for development unlike the land on The Sands.

We would also like to make you aware we are aware of the response to you from City of Durham Parish Council and fully endorse it.

In summary we therefore object to Durham County Council having the intention to annex this parcel of land from the whole Common and to use this Common Land as part of their development of a new Council headquarters. We would urge you to refuse the application made by Durham County Council.

Yours sincerely

David Freeman and Richard Ormerod

Councillor's David Freeman and Richard Ormerod

Representing the Durham City communities of Elvet, Gilesgate, Crossgate, Sidegate, Claypath and The Sands

[redacted]

Councillor David Freeman

Representing the Durham City communities of Elvet, Gilesgate, Crossgate, Sidegate, Claypath and The Sands

[redacted]

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Davis, Rob

From:	Janet George [redacted]
Sent:	23 September 2019 20:22
To:	commonlandcasework
Subject:	Proposed deregistration of common land at THE SANDS, COMMON CL29. Objection
Attachments:	1. Sands to DLI Framwellgate Waterside.JPG; 2. Sidegate bottom 2109.JPG; 3. Sidegate bottom 2109.JPG 3.JPG
Categories:	Green Category

Dear Common Land Case Work

Further to my previous objections to the proposed deregistration of the common land THE SANDS CL29, Durham I would like to offer further evidence regarding the interests of the neighbourhood.

I walked the shortest route on the 22.9.19, pictures attached (and in subsequent e mails).

Walking from Milburngate bridge and negotiating traffic and obstacles to the land suggested by Durham County Council as replacement took me three quarters of an hour normal walking pace. We measured this route using a Garmin device and on foot it is over a mile. The gradients at times recorded 33%. I can e mail this if required.
To the suggested replacement land is all uphill and impossible if pushing a child buggy. That would require a longer walking route or a car journey.

The replacement land does not serve the interests of the neighbourhood.

The current common land is widely used by locals every day, this replacement land would have to be travelled to with effort.

Also as previously mentioned, the current common land is a rich area for wildlife (birds, hedgehogs, bats and otters plus insects and others), it is a green family space in an area that is increasingly becoming built upon.

The many mature trees assist with flood protection (the Sands common floods and I can send pictures if required) and importantly helps maintain air quality which is recording more pollution hotspots. To take this away to make a car park encourages more vehicles and pollution to local residents, the Sixth Form Centre opposite and the Primary School and student purpose built block (over 400 beds) on Providence Row bank.

Kind regards
Janet George

(further e mails to follow with further pictures in order of the walk).

1. Sands to DLI Farmwellgate Waterside



2. Sidegate bottom



3. Sidegate bottom



4. Sidegate bottom



5. Sidegate top



6. Sidegate top



The third part of the walk (Sidegate), shortest route to the suggested replacement land demonstrating poor access to those with mobility problems or children in pushchairs. A picture of the road at the top of the steps which is very busy, a possible hazard for children to run onto.

7. Sidegate top to bottom



8. Framwellgate path bottom



The last picture is the DLI museum next to County Hall, so still further to walk to reach the suggested replacement land but this took me three quarters of an hour so I decided to turn back at this point. I hope it demonstrates the inaccessibility for local people who use the Sands Common constantly.

9. Framwellgate path to DLI 2019



10. DLI 2109



Davis, Rob

From: Janet George [redacted]
Sent: 27 August 2019 08:17
To: commonlandcasework
Subject: Re: Photograph of Common Land (Coach park area) Durham, The Sands NZ274429
Attachments: download.png

Categories: Do

And the flood plain taken from Government. Clear evidence surely to retain the place as common rather than the building of a new headquarters paid out of our Council budget.

Kind regards, Janet George

From: Janet George [redacted]
Sent: 26 August 2019 19:38
To: commonlandcasework@planninginspectorate.gov.uk <commonlandcasework@planninginspectorate.gov.uk>
Subject: Photograph of Common Land (Coach park area) Durham, The Sands NZ274429

Dear Common Land case work

Further to my objection to the de-registration of the land at The Sands, Durham (Common Land known as the coach park) I attach an photograph from 2018 showing the richness of the habitat and would like to note that this is land walked over all day and every day by local people. I also attach the flood risk asessment document from the website of Durham County Council showing the area to be a flood risk. Trees in this place must assist in water control. I do have pictures of the whole area flooding below so would like to add to my objection by stating the importance of this land and habitat to protect nearby homes.

Kind regards, Janet George

https://www.google.co.uk/search?q=Floods+in+Durham+City&safe=strict&client=safari&hl=en-gb&tbm=isch&source=iu&ictx=1&fir=JaAQr8qKFBPqlM%253A%252Cmivz0nJLsdKrYM%252C_&vet=1&usg=AI4_-kQ16Be_EEBARQWkxAqBW3Di2wKc8A&sa=X&ved=2ahUKEwjWxeTmlqHkAhXPY1AKHfE3Co4Q9QEwCnoECAgQGw#imgrc=JaAQr8qKFBPqlM:

From: Janet George [redacted]
Sent: 21 August 2019 15:00
To: commonlandcasework@planninginspectorate.gov.uk <commonlandcasework@planninginspectorate.gov.uk>
Subject: Common Land Durham, The Sands NZ274429

Dear Common Land Team

Further to my previous e mail with regard to the fencing off and commencement of Registered Common Land before consultation with you I attach two letters of objection in my capacity as Secretary of the local residents association and resident.

I strongly object to de-registration of this area.

The objection letter to Durham County Council (attached) explains that this land was temporarily leased and then not returned to its proper state and became a place of parking by default.

The information issued by Durham County Council with respect to this is factually incorrect. I asked for freedom of Information regarding this land 30.7.18 and received the response (attached) 24.8.18 stating Durham County Council did not hold the information requested. The information was a document commissioned by the then Durham City Council in 2004 to a barrister N. Allen re the Common.

The third attachment was written to the Planning Department (Durham County Council) February 2019 noting the application for HQ (DM/18/02369/FPA) included registered Common Land. This has not been addressed until now and we find the developer and Council have taken it upon themselves to proceed in blocking access and building works before proper consultation processes have been followed.

I object for the reasons in the letter and also would like to stress that the replacement land suggested by Durham County Council is not easily accessible by walking to locals (and is across the river), would require most of us to get in a car first to get to it, is land that the Council is unable to develop in any other way, is already a nature reserve, has already got open public access but also is a home for nesting birds and newts. Durham County Council has prominent notices in places asking people not to walk on this land while birds are nesting.

People use the Sands Common, including the tarmacked area known as the coach park as a place to walk across and around every day. The surrounding trees are a recognised bat corridor, roost and nesting site for birds, a source of oxygen and to soak up flood water and boggy ground and otters and other wildlife live around it. It is an open green space in the City.

I request that this is not de-registered and given to the Council who wish it for the purpose of a staff car park and that its current role as an open amenity and space for all is far more important.

Kind regards
Janet George

[redacted]


The Sands
Leazes Road
A690
A691
Framwelgate
Framwelgate Peth
Millburngate
Bus Sta
Liby
Providence Row
Claypath
Bakehouse Lane
The Chains
Hillcrest
Douglas Villas
Leazes Lane
Stabon Lane
College Of St Hild And St Bede (Univ)
Govt Offices
Sidegate
Windy Hill
North Road
Princes' Street
Albert Street
Back Western Hill
Obelisk Lane
Sutton Street
Allergate
Crossgate
PW
PO

◀ Outlook 18:11 Mon 26 Aug

44%

Not Secure — spatial.durham.gov.uk

Strategic Flood Risk Assessment

Durham County Council

Data | Search | Results | About

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Data

Key	Map Layer	Add
Show	Air Quality Monitors	☐
	Allotments - DCC website	☐
	CCTV Surveillance Camera Locations Ext	☐
	Car Parks DCC	☐
	Cemeteries	☐
	Ceremonies Approved Premises	☐
	Customer Access Points	☐
	Durham Record	☐
	GRT Temporary Stop Over Areas	☐
Show	Household Waste Recycling Centres (HWRC)	☐
	Housing Associations	☐
	Housing Solutions Office Locations	☐
	Jobcentre Plus	☐
	Keys To The Past	☐
	Leisure Centres - LA Owned	☐
	MP - Members Of Parliament	☐
Show	Nitrogen Dioxide Diffusion Tube Network	☐
	One Point Service Hub Locations	☐
	Public Libraries owned Durham County Council	☐
	Public Street Lighting owned by Durham County Council	☐
	Register Offices	☐
	SFRA - Flood Defence	☐
	SFRA - Flood Hazard Defence Failure	☐
	SFRA - Flood Overland Flow Route	☐
	SFRA - Flood Warning	☑
	SFRA - Floodzone 2	☑
	SFRA - Floodzone 3a	☑
	SFRA - Floodzone 3b	☑
	SFRA - Historical River Flooding	☐
	Saltbins	☐



Honorary Secretary: Janet George
Email: [redacted]

12th May 2019

Proposed application for deregistration part of Common Land at the Sands, Durham City
Section 16 Commons Act 2006

Dear Mr Howson

St Nicholas Community Forum most certainly oppose the deregulation of part of The Sands Common Land.

The land Durham County Council is seeking to deregister (known as the 'coach park') is an integral part of the whole Common and should be returned to its natural state to be used as a local amenity rather than 'eaten up' by development.

Your assertion that this parcel of land has 'accidentally' been categorised as Common and therefore a basis for the seeking of deregistration is completely incorrect.

You inaccurately state

'The release land has been used as a car park and more latterly as a coach park since the mid-1990s. Prior to this it was a car park with a building on the land, used by the Royal Ordnance Corps. The release land forms part of a wider Common of 2.91ha, known as The Sands, which was provisionally recorded as common land in 1968 with the registration becoming final in 1980.'

It is noteworthy and revealing (to us) that there is a copy of a barrister's report 22 March 2004 (Nicola M Allen) in the documentation held by residents of the area. It was commissioned by the applicant City of Durham Council and gives a resume of the history of this parcel of land in significant detail dating back to 1850. Ms Allen tells the City of Durham Council

'By an Indenture dated 18.09.1850 the Freeman of the City of Durham ('the Freemen') hold the rights to the herbage of The Sands'. Rights to herbage are rights granted to Commoners and Ms Allen identifies these had been granted by 1850.

Her report in no way mentions the 'coach park'. There is some ancillary information (no author identified but clearly an official document) that indicates that in 1982 The Trustees of the Freeman of the City agreed to grant a temporary lease to the Secretary of State for the Environment of a piece of land on The Sands Common for

use as a temporary building by the Royal Observer Corps. The lease was surrendered by Deed dated 28th February 1994. Residents who have lived in the locality for many years have confirmed that this is the area now that is occupied by the 'coach park'.

You state

'After the buildings were demolished, the release land was developed as a car park and then latterly as a coach park'.

We believe that as this land which was already partly metalled once the Royal Observer Corps had given it up, was simply assimilated into the 'coach park' at some point after the Royal Observer Corps had surrendered their lease. It remained Common Land and is legally defined as such by DEFRA (definitive).

The fact that the City of Durham Council nor Durham County Council did not apply legally for a change of use to a coach park with DEFRA is not in keeping with the laws relating to Common Land. Indeed, it should not have been allowed to become a place to park but should have been returned to its original state before it was leased by the Royal Observer Corps.

St Nicholas Community Forum strongly object to Durham County Council now having the intention to annex this parcel of land from the whole Common and assimilate this area into their plan for a dedicated Council staff car park. This parcel of land is part of the whole Common, recorded since 1850 and should have been returned to its original state once the Royal Observer Corps lease was surrendered in 1994. Not doing so was falling foul of the law.

The erection of any building, fence or construction of any other work whereby access is impeded is not lawful without the consent of the relevant Minister (Law of Properties Act 1925 section 194) that is the Secretary of State for Environment Food and Rural Affairs. This has been held to include the construction of a car park {A-G v Southampton Corporation 1969 68 LGR 288} The coach park has never undergone this process as the granting of the land to Royal Observer Corp was temporary. The opinion of the responsible Minister regarding change of use was not sought and Durham County Council could not give any information to me when I submitted a FOI in 2018 regarding the procedural aspect of permitting the 'coach park' at the western most point of The Sands Common, a piece of land that is still defined as a common by DEFRA, to be taken as part of the proposed HQ development.

You state

'Current use of the land as a coach park conflicts with the common land status of the release land. Whilst it is likely that the recording of the release land as common land was a mistake, it is now too late to challenge that decision. Accordingly, in order for the council to address this issue, it is necessary to apply to extinguish the common land status of the release land. The current situation is therefore an issue which has

been inherited by Durham County Council. However, the release land is also required as part of the proposed site for the council's new HQ building'.

As we have demonstrated, the area Durham County Council are seeking to deregister using the assertion that it was only accidentally regarded as Common is incorrect - it must be noted that this land is important to residents, locals and visitors and used every day by them.

Your comments re Common being a place to graze sheep, take peat, wood and fish or let pigs eat acorns are purposely misleading.

The excerpt from Nick Howell DCC Public Rights of Way Officer to the Planning Committee states;

'The existing coach car park and therefore part of the proposed development site is registered as Common Land. As it is registered Common Land is it therefore also designated as open access land under the Countryside and Rights of Way Act 2000; so the public have a right to walk and run on it ('a right to roam').

The DEFRA guidance notes on Commons states that the Minister will form an opinion as to consider "health, comfort and convenience' of the inhabitants and the 'advantage of the persons interested in the common'.

The present 'coach park' has the function of bringing visitors, locals and residents and they do use that place for leisure/recreation and taking the air. It is used by locals, residents and schoolchildren from the Sixth Form College as a right of way on a daily basis and serves as a safer place to walk than the narrow road. Members of the public have rights of access to The Sands, being Common Land situated in an urban district, for the purposes of air and exercise {LPA section 193}.

The surrounding mature trees which are situated in a designated conservation area fulfil the important functions of counteracting increasing air pollution and act a natural defence against flooding. They are an important site for wildlife, notably acting as an important bat corridor and a place for nesting birds.

Your statement

'The release land is also required as part of the proposed site for the council's new HQ building'.

Gives us the reason why the application to deregister is being lodged. This part of the Common has been and is still used daily by people for the purposes of air and exercise and protects against increasing air pollution, but Durham County Council wants this land for their own purpose. By assimilating this area further into their permanent plans they will restrict public access of this space which is still part of the Common Land and should be available for that purpose.

You state that

'the replacement land is required to be in the vicinity of the release land...(and) the land chosen was because of its proximity'.

The substitution offered by Durham County Council for land more than two miles away is highly unsatisfactory. The people using the Sands Common do so because it is within walking distance for them. They use it as a through route to take them to other parts of the City. They need the protection afforded by the mature trees to maintain health and wellbeing and as a flood defence. To reach the land east of the Rivergreen Centre would take locals over 30 minutes to walk to and is an area already open to those who do live in proximity to it. That is not the people of the Sands area or those visiting.

The choice of this land you offer happens to be not only too far away but also land that is not useful to Durham County Council for any development purpose and which is we assume the reason for your offer.

You note that Durham County Council 'inherited this issue'. Please note that the documentation we cite, a report commissioned by the City of Durham Council was as recent as 2004. It is startling that in such a short time it appears Durham County Council is unable to keep documentation records correctly. Further worryingly, because the documentation is not to hand, incorrect assumptions have readily been made. This must surely contravene your policies and procedures.

In summary, your interpretation of the history of this part of Common Land and conclusion as to why you believe it should be deregistered is incorrect and not in keeping with the rights of the people. The open space has been Common since 1850 and the intention of the Council is to remove this from us to provide vehicle parking for the Council in a place recognised as an air pollution hotspot. The locals and residents need this open space to remain close to them.

It is of great importance that should you continue with the application to deregister that you do not offer incorrect and misleading information to the Minister and we would like written confirmation from you that you will not send the information as you have presented it to us. Secondly that you will give us the name and contact detail of the person you submit your application to so we can be assured that we can send our letter to be seen as part of the independent scrutiny process.

Please note that you have also spelt my name and the name of St Nicholas Community Forum incorrectly in your documentation.

Yours sincerely

Janet George

Miss J George
[redacted]
[redacted]

Mr Henry Jones
Planning Department
Durham County Council
County Hall
Durham
DH1 5UL

22 February 2019

Regarding the current proposal that Durham County Council build a new headquarters at The Sands, Durham City. DM/18/02369/FPA.

Dear Mr Jones

I would like to bring the following information to your attention and object to the proposal. There is no change in the new documentation which alters the suggested plan by Durham County Council regarding the use of the Sands Coach park.

'The Coach Park' (map extracts from DEFRA's own website) at The Sands is currently registered as a 'common' by DEFRA and is therefore subject to the law and guidance relating to such.

The area identified was granted a lease to the Secretary of State for the Environment in 1982 as a site for a Royal Observer Corps temporary building. This was surrendered by deed on 28th February 1994.

As this area was partly metalled it was simply changed into 'The Coach Park' without any of the necessary permissions from DEFRA (commonly they would have a public enquiry).

It may be considered and construed that a coach park adjacent to and part of the identified common will inevitably bring people into the area that may use or benefit from the said common land. Durham County Council's present plan cannot be viewed in such a way. Durham County Council's plan restricts and inhibits this area for use as a common. Any change of use and to permanently subsume the area is in breach of the law relating to common land.

The report submitted to Durham County Council's planning committee from its Rights of Way officer Nick Howell says; 'The existing coach car park and therefore part of the proposed development site is registered as Common Land. As it is registered Common Land is it therefore also designated as open access land under the Countryside and Rights of Way Act 2000; so the public have a right to walk and run on it ('a right to roam') although in practice these activities are likely limited given the sites current use. If the Common Land is deregistered then its access land status would cease to exist.'

I have discussed this statement with The Open Spaces Society's Hugh Craddock (Case Officer) and he advises that this statement is not the case and is misleading.

Mr Craddock adds -

The common land is in the former city borough of Durham and Framwellgate, and therefore probably subject to s.193 of the Law of Property Act 1925. I say 'probably' because the application of s.193 depends on the land having been manorial waste or a common in 1926 (which it almost certainly was and is unlikely to be in dispute). The right of public access for air and exercise under s.193 therefore arise, and CROW rights do not: see s.15(1) of CROW.

Nor is it correct that, if the common land were deregistered, the present access rights would cease. It may be possible to secure the de-registration of some or all of the land under para.6 of Sch.2 to the Commons Act 2006, if it can be shown that the land has been covered by buildings, or the curtilage of buildings, since the date of provisional registration: I have not examined the detailed circumstances, so cannot advise on that possibility. Even if such an application were successful, in my view, it would have no effect on the s.193 right. Para.(d) of the proviso to s.193(1) provides for the access rights under that section to cease in certain circumstances, but it is far from clear whether de-registration of the land would satisfy either sub-para.(i) or (ii) of para.(d) (assuming, if sub-para.(ii) were in play, the requirements of that provision were satisfied).

If the rights under s.193 did cease, the land remains shown as registered common land on a map of open country and registered common land prepared by the Countryside Agency (now Natural England) under CROW, and the rights conferred by CROW (s.2) would arise as soon as the right under s.193 ceased. The rights under s.2 would endure until such time as the map is reviewed under s.10 — such review has already been set back five years, and it seems likely to be set back again.

We have in our possession documents from Durham County Council's barrister Nicola M Allen, Durham Barrister Chambers 22nd March 2004. This is a Barristers report commissioned by Durham County Council and is effectively a resume of the legal status of this common back to the 19th Century and forms the basis on which this submission is founded.

Yours sincerely

Janet George

Copies to:
Henry Jones Planning Department
Adam Shanley Parish Council
Roberta Blackman Woods MP
Secretary of State Department of the Environment, Food and Rural Affairs
Hugh Craddock Open Spaces Society

Durham County Council
Freedom of Information Act 2000
Information request

Reference Number:	**FOI20187214JG**	**24-August-18**
Date Received:	**30-July-18 Clarification received 3 August**	
You Requested:	**Requestor: Janet George**	

The Coach and Car park at The Sands, Durham City.

FOI request for all documentation - including the terms of agreement - relating to the 2004 decision made by Durham City Council giving consent under s.194 of the Law of Property Act 1925 for 'works for replacement car parking' which 'reduced the area of 0.5h along the Western end' of the coach park site adjacent to the former Ice Rink car park at The Sands.

Following the clarification received on 3 August 2018 in which you identified the parcel of land, we can respond as follows.

Our Response: Further to your enquiry we can confirm that we do not hold a 2004 decision made by Durham City Council giving consent under S.194 of the Law of Property Act 1925 in relation to the Coach Park as indicated by a circle on your plan that you supplied.

Attachments: **Not applicable**

Exemptions Applied: **Not applicable**

The Public Interest Test: **Not applicable**

Review Procedure

I hope that this information is of assistance. However, if you feel that this particular request has not been complied with fully under the terms of the Act then please put your grounds in writing stating exactly why our interpretation of the Act and guidance has been incorrect and email that to: foi@durham.gov.uk.

After you have exhausted our internal appeals procedure, you also have a right of appeal to the Information Commissioner at: Telephone: 01625 545 745 Email: casework@ico.org.uk

Lawrence Serewicz
Information and Records Manager
Information Management Team
Durham County Council

Davis, Rob

From: Malcolm Gibb [redacted]
Sent: 02 September 2019 15:50
To: commonlandcasework
Subject: New Durham County Council Headquarters

Categories: Green Category

I and most of the people of County Durham are concerned that if you grant Durham County Council the right to build their new HQ on the land that they want to deregulate at the Sands car park it will cause utter chaos for the residents of Durham city and surrounding areas, this area is next to the river Wear which has already many buildings along its banks, the area that the County Council wants to build on is a busy car and tourists bus park, also not sure if it is still a free fishing area on the river as it was when I fished 60s,70s and 80s, There are many areas that this domineering County Council could use but in my opinion (I have met some of these people in the past regarding their County Durham plan) they appear to have their heads buried in the Sands 😂.
Within a few miles of this proposed area there are many areas which they could use but I believe that the hierarchy have blinkers on .
So please please reject their request.
Many thanks Malcolm Gibb , [redacted]

Sent from my iPad

Davis, Rob

From: [redacted]
Sent: 02 September 2019 11:13
To: commonlandcasework
Subject: Application to de-rigester commn land at The Sands, Durham City by Durham County Council

I wish to object to the application to de-register the common land at The Sands, Durham City and allocate an alternative area of land elsewhere.

The reasons for my objection are:

1) Importance of the land. I regularly use the land under discussion, the adjoining Sands area and the river walk. Although used until recently principally as a coach park it would be preferable to return the land to the previous common land state and make it fully usable for residents and wildlife instead of creating more car parking in the city centre for County Council staff. It is inappropriate to remove common land, which could be reinstated and made more beneficial for residents and wildlife. It is inappropriate to suggest there should be further use as car parking when the intention should be to re-green the city.

2) Unsuitability of proposed development. Allowing the removal of the common land and building a new car park would add to pollution, traffic congestion, and remove the "cleansing " effect of the trees on the environment etc. Common land should be for the benefit of residents and there is no overall benefit from the Council's proposals. The correct course of action would be to reinstate the area as true common land serving a complete pubic function.

3) Abuse of process. Correct processes were not followed when the coach park was established and it would be a further abuse of process to allow the land to be used for car parking instead of returning it to open, freely accessible common land. Moreover, the Council and Kier have begun work at the site and restricted access before following proper, legal processes and they should not be allowed to continue damaging this area of the city through further development.

4) Loss of habitat and trees. The proposals involve cutting down mature trees and removing wildlife habitat near the city centre and river. This open area is part of a wildlife corridor along the river and the benefits to wildlife and local residents of the replacement land a considerable distance away are not equivalent (a new car park will not benefit residents) .

5) Unsuitability of replacement land. The replacement land is already well managed for public and wildlife use and has permissive pathways and cycle paths. The land does not therefore qualify as "replacement" since it is currently to all intents and purposes common land. The proposal therefore represents an overall diminution in the amount of land available for public use.

6) Ease of access. The existing common land is in the city centre and next to the river and local residents. It is immediately available for those residents and those visiting the city. The "replacement land" is not so well placed for residents and visitors being nearly 0.8 k away and there are few residents living close to the replacement land. Therefore few people will use the replacement land beyond those who already do so. The people living in the city centre and close to the Sands will therefore lose access to the existing common land.

7) Effect on the "replacement land". The suggested replacement land is subject to some minor restrictions of access due to the need to protect ground nesting birds and other wildlife. Designation as common land would involve reducing these protections and cannot be justified. The replacement land is already an important wildlife habitat and its future designation and use as common land does not serve the community or improve the habitat or improve the habitats for wildlife in the city and surrounding area.

8) Inadequate consideration of consultees' views. The applicant was required to consult with local and national interested bodies. Local residents' associations, the Parish Council, Freemen of the City and the Open Spaces Society are all opposed to the application. Inadequate weight has been given to these objections in the applicant's report.

9) Returning the land to a natural state. The Council should instead return the land to a more natural state which extends The Sands and gives even better amenity to local residents and visitors and which improves the local environment in the city.

In summary, the existing common land should be returned to its natural state and not have a new car park placed on it. The proposed replacement land is not a true replacement and should be kept as it is.

Mike Gibb

[redacted]

Davis, Rob

From: Joanne gorton [redacted]
Sent: 28 August 2019 09:52
To: commonlandcasework
Subject: Durham common land annexation for council buildings

Categories: Green Category

To whom it may concern,

I wish to object in the strongest possible terms to the annexation of common land used by the people of Durham for recreation for building purposes.
Not only is this land important for local leisure activities but provides a haven for wildlife which is being continually reduced by new building projects along the river.

The new council offices have been objected to by many residents and people living around the city. There are plenty of offices in villages surrounding Durham city already suitable for purpose . The project is detrimental in terms of increased air pollution from vehicles a known and existing problem, habitat destruction for wildlife including sea birds, swans, herons, other fowl, otters , kingfishers and more, the loss of a green public amenity which has been the right of the people of County Durham for much needed leisure. It will add to the burden of congestion in the inner city which should have had a bypass years ago. It has also removed the much needed disability friendly parking and parking for families wishing to use Freeman's quay leisure centre from that area making accessibility for ordinary people less in general.
The only persons who seem to want this project developed are the standing members of Durham County Council .

Kind regards,
Joanne Gorton

Sent from my iPad

Davis, Rob

From: commonlandcasework
Sent: 11 September 2019 15:16
To: Davis, Rob
Subject: FW: using land

From: [redacted]
Sent: 09 September 2019 20:15
To: commonlandcasework <CommonLandCasework@planninginspectorate.gov.uk>
Subject: using land

Hi
I would like to object to losing the common land at the sands as we love going down to the land and walking along riverbank with the dogs.

The common land that is been made at akley heads is too far away and no where near river as a resident of durham city we would like to be able to keep using the common land at the sands and keep the green trees and whatever wildlife is there as well for us to enjoy whenever we want.

Mr Harbron-Hall

Sent from Mail for Windows 10

Virus-free. www.avg.com

Davis, Rob

From: Julian Harrop [redacted]
Sent: 28 August 2019 20:39
To: commonlandcasework
Subject: The Sands, Durham

Categories: Green Category

Please oppose the deregistering of the Common Land status of this important piece of land in Durham City and the new HQ project is totally ridiculous, a waste of tax payers money and totally impractical in the planned location. The HQ plan is being bulldozed through by our non-democratic council. There is lots of opposition in the region to the project, over a 1000 people have complained, and I have yet to speak to a single supporter.

I live outside the city but appreciate the riverside and it's wildlife.

Julian L Harrop

Davis, Rob

From: Parrish, Aisling [redacted]
Sent: 22 August 2019 11:59
To: commonlandcasework
Cc: CommonLand@durham.gov.uk
Subject: Commons Act 2006 - Section 16 notice - The Sands Common

Categories: Green Category

Dear Sir / Madam

Historic England has received the above notice from Durham County Council, concerning the proposed deregistration of common land at The Sands Common. I can confirm Historic England has no comments to make regarding this proposal.

Kind Regards,

Aisling Parrish | Business Officer
Regions: North East and Yorkshire

Direct Line: 0191 269 1224

Historic England | Bessie Surtees House
41-44 Sandhill | Newcastle upon Tyne | NE1 3JF

www.HistoricEngland.org.uk

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Davis, Rob

From: [redacted]
Sent: 21 September 2019 17:28
To: commonlandcasework
Subject: Proposed deregistration of Common Land at: The Sands, Common CL29.

Categories: Green Category

I wish to lodge my objection to the proposed project.
The council have ignored a petition raised to object to this. It is not in the public interest and totally flawed with respect to the proposed site.

G Hepworth.
[redacted]

Sent from my Samsung Galaxy smartphone.

Mr N Holmes
[redacted]

The Common Land Team
The Planning Inspectorate
3A Temple Quay House
Temple Quay
Bristol
BS1 6PN

September 23rd 2019

Proposed application for de-registration part of Common Land at the Sands, Durham City Section 16 Commons Act 2006 - The Sands Common CL29

Dear Sir/Madam.

I would like to object to the deregulation of part of The Sands Common Land known as 'The Coach Park'.

Though this parcel of land has been used as a coach park without the necessary permissions It has and can be construed by local residents and visitors that the coach park is a way of allowing access to the area of common land by the said locals and visitors in the course of their visits. In this sense it has acted to augment the overall common and its amenity to the public. To change this to a 'controlled' parking area for council staff use will detract and negate its amenity and will inevitably cause restrictions to an area with the benefits of open access.

The land Durham County Council is seeking to deregister (known as the 'coach park') is an integral part of the whole Common and should treated as such.

The proposed 'exchange' land is not in the area, it is already has public access so in effect there is no real exchange as that area is already available to all. The exchange land is not of benefit to the people that use The Sands Common and the coach park. Walking from The Sands to the land east of the Rivergreen Centre is over one mile (measured) so is of no benefit to the neighbourhood of us in the vicinity of The Sands Common.

An independent wildlife survey done by Durham County Council for the purpose of building the new headquarters identified otters and other valuable wildlife that are particular to this area and cannot transplant to the replacement land.

I concur fully with the Freeman of the City and the parish council concerned and their submission in objection to this application to de-register this common land. I note also the illegality that they describe and Durham County Councils flagrant disregard of the law with regard to common land.

Yours sincerely

N Holmes

Davis, Rob

From: David Hook [redacted]
Sent: 22 September 2019 17:57
To: commonlandcasework
Subject: RE: APPLICATION UNDER S.16 COMMONS ACT 2006 – THE SANDS, DURHAM

Categories: Green Category

RE: APPLICATION TO DE-REGISTER COMMON LAND AT THE SANDS DURHAM CITY

Dear Sirs,

Please do not permit Durham County Council to take part of the Sands common land from Durham City's citizens.

The land was used during World War Two as a Royal Ordnance Depot as this was considered to be in the public interest. Recently the land has been used as a coach-park, which is also considered to be in the public interest as Durham City depends to a considerable extent on visitors, many of whom arrive by coach. It is a great asset during large public events like Durham Lumière, Miners' Gala or Christmas Markets.

The proposed replacement land is about a 2 km uphill walk and would not serve the existing neighbourhood for recreation.

The river, where there is considerable wildlife, is freely accessible from the common land and the area would best serve public interest by it remaining common.

Yours faithfully,

David Hook

Davis, Rob

From: [redacted]
Sent: 23 September 2019 13:08
To: commonlandcasework
Subject: de registration of common land. Durham City.

Categories: Green Category

APPLICATION UNDER S16 COMMONS ACT 2006.

THE SANDS. DURHAM.

Dear Sirs. I write in support of the objection sent by the Freemen of the City of Durham and the City of Durham Parish Council to the proposed de registration of common land.

This proposal by the County Council flies in the face of considerable local opposition and disregards local anxiety about the future use of the area. The alternative site offered is not easily accessed by locals and is anyway unsuitable, being a site for ground nesting birds and a rich variety of wildlife. The common land is a green lung in the centre of town and gives access to the river bank, an integral part of the back drop to the World Heritage Site.

Mrs Margaret Jefferson.

[redacted]

Davis, Rob

From: Miriam Johansen [redacted]
Sent: 24 September 2019 13:48
To: commonlandcasework
Subject: Common Land at The Sands, Durham

Categories: Green Category

I am writing to strongly object to the de-registration of the above land in Durham.

I have lived very close to the land for 15 years. My family has grown up enjoying access to this land on a weekly basis. It has been such a part of our lives that we have our own name for it and I know we are not alone. This is my 2x weekly route for running, my children's route to/from school, our family's route to church, a quiet (and safe for toddlers/buggies) route into town for everyone living on The Sands, a perfect spot for collecting conkers... in summary, this land is a perfect pocket of nature that we have a responsibility to keep for future generations.

I appreciate that we are being offered another piece of land and I have considered this. Unfortunately this is too far away for us and the many people living on The Sands. The land proposed is less accessible and we would have to make a special trip (in a car !) to access it.

I am also incredibly sad to see that the Common Land has already been fenced off (without consent) and note that some trees have already been cut down. In these times of Climate Emergency I struggle to understand why we are even considering ripping up this area for development. There are a hundred reason why we shouldn't. I urge you to maintain the land in its current form.

Kind regards,

Miriam Johansen
[redacted]

Davis, Rob

From: [redacted]
Sent: 22 September 2019 22:36
To: commonlandcasework
Subject: The Sands Common (CL29) Notice ID BRA1310824

Categories: Green Category

I wish to object to DCC proposal to de-register common land at the Sands in Durham city and its offer of replacement land at Rivergreen.
DCC claim the release land at the Sands is of little value and the rights of common have not been exercised but this has been a result of its predecessor Durham city council tarmacking the land and using it as a coach park for several years.
DCC now want as part of its hugely unpopular decision to relocate County Hall to the Sands to correct this 'anomoly' by building a multi storey park on the site and therefore denying the right of common which has been impossible previously due to its continued use as a coach park.
DCC have also pre-empted any decision by fencing off the common land prior to de-registration.
The proposed replacement land at Rivergreen is too far away from the release land and as a nature reserve the right of common would be incompatible and detrimental to wildlife on this site.
As the release land borders the river Wear and the riverbanks commonly known as the 'Free Stretch' the right of piscary cannot be transferred to the replacement land.

Yours Sincerely,

Mr. T. Laws

Sent from Yahoo Mail on Android

Davis, Rob

From: Roz Layton [redacted]
Sent: 24 September 2019 18:23
To: commonlandcasework
Subject: Proposed deregistration of common land in Durham city.

Categories: Green Category

We wish to OBJECT to this proposal on grounds that the area is a critical LINKING amenity for visitors and residents for access as well as wildlife. The trees are a valuable resource close to the river. Otters, heron and kingfishers can be seen here. Retaining the green space adjacent to the current coach park would to some extent mitigate the impact of the new council HQ which is being built bang on the riverside, quite unnecessarily.

Tourists need their coach to be accessible so they can return to their coach when weary. If the coaches are made to drop passengers and use the P&R they will change their schedules and not come to Durham at all.

Regarding access by locals, please see the objection lodged by Kathryn Banks who puts the situation very well. I use the space in question to reach my home and the town when I have been running on the Sands and the river bank beyond, as Providence Road is dangerous because it is steep, narrow and subject to severe air pollution from vehicle exhausts.

In principle, we strongly object to the DCC annexing common land for its own use. It's extraordinary they should even contemplate this move.

Prof Bob and Roz Layton
[redacted]

Contact: Jill Errington, LAF Secretary
Tel: 03000 269703
E-mail: laf@durham.gov.uk

LOCAL ACCESS FORUM County Durham

Common Land Casework
The Planning Inspectorate

23 September 2019

Dear Sir

PROPOSED APPLICATION TO RELEASE COMMON LAND (CL29) AT THE SANDS, DURHAM CITY AND PROVIDE REPLACEMENT LAND EAST OF RIVERGREEN CENTRE

I am writing on behalf of County Durham Local Access Forum (LAF) to comment on proposals to de-register part of the common land (CL29) at The Sands, Durham City and to provide replacement land east of Rivergreen, to be registered as common. The Local Access Forum is a statutory body established under section 94 of the Countryside and Rights of Way Act 2000 whose purpose is to advise Local Authorities and other agencies on the improvement of public access to land for the purposes of outdoor recreation and enjoyment, whilst paying due attention to the needs of conservation and land management.

The LAF considers that the proposal has some benefits in terms of providing access for the public to a much greater area of land (at Rivergreen) which currently does not have any statutory or protected access, but would do so once registered as common land. The area of replacement common land behind Rivergreen provided for the commoners would be ten times greater than that of the existing release common land at The Sands, which in any event is incapable of supporting those rights. It also rectifies the existing anomaly in the Registers. However, against this needs to be considered the distance away of the proposed replacement land from the remaining common land and whether this is "reasonable" in the light of the Planning Inspectorate guidance which states that "where replacement land is being offered it need not be adjacent to the common containing the release land although this is preferable." Certainly, it would have been preferable if replacement land could have been provided nearer to The Sands.

One other possibility would be to restore the existing coach park which is in the common land register, to an area capable of supporting grazing.

The LAF is concerned that the area of land proposed for de-registration has allegedly been fenced off recently, thus preventing the public from gaining access to the site whilst the outcome of the section 16 of the Commons Act

procedure is pending. The LAF has not been advised that Temporary Consent for enclosure of the site has been sought or indeed approved.

If it is correct that temporary consent has not been obtained, the LAF would urge the applicant to comply with legal requirements regarding enclosure prior to the outcome.

If you wish to explore our comments in more detail, please contact me via our Secretary, Jill Errington, at jill.errington@durham.gov.uk

Yours sincerely

Pat Holding

Chair of County Durham Local Access Forum

Davis, Rob

From: Sandra Lowes [redacted]
Sent: 20 September 2019 17:10
To: commonlandcasework
Subject: Land at the sands in durham

Categories: Green Category

I oppose this land being used as new county hall site. We need this area for local people to use as car parking and social walks it is the only place to have a leisurely walk and for our children to play. Aykley heads is a bus ride out of the city centre yet county hall intend their offices on the sands but expect people to visit durham to see and shop in our historic city. This should not be allowed to happen visitors don't want to see office blocks and hotels all along the river banks .

MADDOCKS

[redacted]

Saturday 7th Sept 19.

Dear Team,

I am writing to you having read article in this week's Chester-le-St. Advertiser.

I believe you have had many objections to the new County Offices being built on the sands.

It makes no sense to place offices in the centre of the city which is meant to be a tourist destination and heritage centre.

I regularly visit Durham now to do the Healthy Walks (a great idea) and use the Park and Ride service (also a plus to Durham city access).

However, I think you must have plan reversed — offices at Ackley Head and common land to remain (which must surely have a covenant upon it.)

The car park is central for visitors and provides access to the city without being intrusive. The adjoining recreation is a good

green space.

no would use a common area up at Ickley Heads? It is out of site/out of mind as a walking/recreation area. (The group I walk with have passed that way. The majority of people did not know it was there.)
County Hall would be better based there so infrastructure can be created for access eg roads/parking.
Also other office sites are planned to be built up in that area.
It seems that people in Durham have no say in what is best for their area. As rate payers, I know most people I speak to feel they are being ignored and their money is being used for projects they have no say about.
This area is not very good at selling itself in a positive way and I feel this plan does no-one in the area any favours.

Yours sincerely,

[redacted]

P.S. Why is this being dealt with in Bristol?

Date: 17 September 2019
Our ref: Click here to enter text.
Your ref: Click here to enter text.

Common Land Casework Team
The Planning Inspectorate
Room 3/25B Hawk Wing
Temple Quay House,
2 The Square
Temple Quay
Bristol BS1 6PN

NATURAL ENGLAND

County Hall,
Colliton Park,
Dorchester
DT1 1XJ

Dear Common Land Casework Team

APPLICATION FOR DEREGISTRATION AND EXCHANGE ON THE SANDS

Commons Act 2006: Section 16
Consultation: S16: Commons Act 2006
Location: The Sands, Durham City, County Durham, (CL29)

I am writing in response to the consultation regarding the application made by Neil Carter, on behalf of Durham County Council, dated 20 August 2019 to release 1675m^2 of common land, presently used as a coach park and replace with 18,371 m^2 of land which is described as Land East of the Rivergreen Centre.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's statutory responsibility relation to 1 (2) of the Commons Act 2006 is to provide advice to the Secretary of State and therefore the Planning Inspectorate with advice on the public interest of the common.

Natural England is aware that the Sands has access rights granted under s193 of the Law of Property Act. It borders onto the River Wear and is used for recreational activities and events. The release land is an area of the common on its periphery which has been sectioned off into a coach park. The applicant acknowledges that this has no consent.

The applicant states the proposed replacement land is, at present, not used as public open space and is fenced.

Neither the release land nor the land proposed for replacement have designations for biodiversity. Neither do they contain any BAP habitats.

Natural England advises, that when land owners or managers review the management and usage of commons, that they give due regard to both the needs of wildlife and the public interest.

We consider that it is good practice that the land manager follows a process of decision making based on *A Common Purpose: a guide to Community Engagement* which is supported by a number of agencies including Natural England. http://publications.naturalengland.org.uk/publication/730889?category=40026.

Where changes in management have an implication for the accessibility on common land, the decision making process should take account of "the least restrictive option", as well as the opinions of both the local community and of user groups.

Further, any planned infrastructure should be in accordance with equalities legislation and consider the diversity of the needs of all users including the less able, guidance is given in: *By All Reasonable Means: Inclusive access to the outdoors for disabled people.*

De-Registration and Replacement Land

Wider Consultation
The local authority have consulted with stakeholders. I believe from the information provided that the wider public has not been consulted. It would appear that the choice of replacement land has to a greater extent being directed by the fact that there are grazing rights on the common held by the freemen, although they are no longer exercised. I have noted that this body is opposed to the new siting of the building which is giving rise to the application.

Our Response
The Secretary of State's Guidance for Common Land Consent Policy states that the process should aim to achieve the following outcomes:

Our stock of common land and greens is not diminished — that, on balance, any deregistration of registered land is balanced by the registration of other land of at least equal benefit

The replacement land is some distance from the release land and there is no guarantee that it will serve the same community. However the remaining area of the Sands will continue, as it has done to date, to be a viable area and function for the purpose of recreation in a central location. So that public will in effect suffer no loss.

The replacement land is an area which is large enough to be of value as a common

in its own right. The release land has been lost to the public and this is considered to be a pragmatic approach. The alternative is to reinstate the release land, but in this instance this it may be of less value.

In making our response we have been mindful of the guidance given above and we have referred to Defra's Common Land Consents Policy Guidance as a framework in providing our response to your consultation. This framework is shown in bold below:

What effect will the proposals have on those wishing to use the common for recreation and access?
The proposed exchange will provide a newly accessible open space which is close to where people work. The shortest distance to residential areas appears to be 0.5km, a distance which may deter some people. Never-the-less it could be a well-used asset.

There appears to be no supporting evidence that the people of Durham consider that the gain of the replacement is greater than the loss or the release land, but, on balance, I think this to be so.

I am presuming that the land on becoming Registered Common Land will also be subject to s193 of the Law of Property Act, and as such, enjoy those rights and protections.

The section 16 application states that no works are to be carried out on the site. The application also states that there is a fence in place around the site. There is at present a path that runs round the perimeter of the land I presume that this falls outside the proposed common. I am presuming that the purpose of the fence is to separate the land from non-accessible land, and, in case stock are introduced. Otherwise it would be in keeping with the ethos of common land to consider removing the fence.

The application does not state what its plans for the proposed replacement land are. However having read the applicants statement I am saddened to see the interpretation put on the public interest. I note that at 4.5.2 that the public is viewed as a possible damaging factor on a site. The ecologists report recommends only a single access point, presumable to reduce the use of the site by making it very inconvenient. Rather, access points should be provided that facilitate access onto the site by the main users from the nearby areas of work and housing.

The ecologist is concerned by trampling of the grass by the public. My concern would be that long grass will inhibit public access. My suggestion would be that in the case of a site managed for hay that paths be cut into the hay to allow for access. Should areas of the site be particularly sensitive then paths could be cut in such a way as to lead people away from those areas.

Consideration should also be given to the authority's duty under the Equality Act 2010. All access structures should meet with BS5709: Gaps, Gates and Stiles. Natural England would recommend, in this instance, 2 way opening non self-closing gates suitable for use on a bridleway, and paths cut through the hay should be wide

enough to accommodate a tramper or mobility scooter. If stock should ever be introduced the gates may need to altered to self-closing.

The ecologist also suggests appropriate signage to inform people that their dogs **must** be kept on a lead during the months of the March to August. My understanding is that this is a restriction and is not permissible under s193 of the Law of Property Act. Rather the signage should inform the public of the wealth of nature on the site, why their dogs might cause harm, and request them to keep their dogs on a lead.

Might I also suggest that if this is of particular concern they contact Steve Jenkinson who is an expert in dog behaviour. If there are areas of the site which are not sensitive or sites nearby which fit this criteria it might prove useful to have facilities which are welcoming to dogs and their owners.

Natural England is aware that for many people their local green space is the only contact with nature that they might experience. These spaces can therefore be invaluable for both informal contact with nature and for environmental education; we believe that people are more likely to value the natural environment if they can experience it first-hand. Therefore, the replacement land should be a place to engage with nature and to enjoy the tranquillity and restorative qualities that nature provides. Further it could provide a place where physical and social development takes place as in the forest school approach.

Are there potential benefits to nature conservation from carrying out the proposals? Does Natural England or any other competent person agree with the assessment of any proposed benefits?

The release land is a brown field site and as such has no biodiversity value.

The Sands itself is does not merit being shown on the habitat map, and so I am reliant on images. These, as might be expected, show a grassed area which is biodiversity poor. The area immediately next to the river which receives less footfall and less cutting appears to have more biodiversity.

Again the replacement land does not merit being shown on the habitat map. However we are told that it is managed presently as a hay meadow and the species map indicates that this could be a place for ground nesting birds. The information provided by the ecologist states that there are ground nesting birds although the species and their numbers are not mentioned.

Further, the area proposed to be common land is surrounded by a woodland fringe which is shown on the habitat map and will certainly bring in a greater array of species for the public to enjoy.

It can be assumed from the above that the biodiversity value of the replacement land is greater than that of the release land and this site is therefore of greater value.

What will be the impact on the landscape if the proposals proceed? Is the

landscape in a specially designated area, such as a National Park, or area of outstanding natural beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common or green? (E.g. If development of any release land might spoil the view or impair the conservation of wildlife on the remaining part)? What consideration has been given to minimising any impact by good design (e.g. in relation to any fencing scheme, minimising the extent of new fencing by utilising the existing boundaries of the common?)

The coach park itself has no landscape value but the common itself sits within the Durham City Conservation Area and is a pleasant green area with a riverside front...

The replacement land is considered to be within an area of high landscape value and it appears to be a pleasant open space surrounded by deciduous trees.

So although it is not adjacent to the river it does appear to be have a landscape which will be enjoyed by the public.

Summary

Natural England considers that this proposed exchange has the potential to be of at least equal benefit to the public interest and as such complies with the DEFRA Common Lands Consent Policy (2015).

I have noted in the applicants supporting statement and in the appendices that considerable thoughts and processes that have led to this choice of replacement land. Several other sites were considered and eliminated on the grounds of damage to the ecology. In particular, it would seem that the main driver of this choice was in the event that the commoners should choose to exercise their rights.

While this is understandable I hope that the authority has not lost sight of the meaning of common land and the practicalities it entails.

A common is a piece of land which is shared by a number of interests. This means careful management in order that all of those interests thrive. This is especially the case with any urban common.

The Ecologist report at Annex XV states:

> *"Assuming that the current management regime can be maintained as outlined above and appropriate mitigation is in place then the impacts on biodiversity would not be regarded as significant especially as the Replacement Land would form a part of the redeveloped County Hall grounds designed and managed for wildlife."*

We are not party to these plans but it raises the question whether the plans are to create a common welcoming to people or to create a nature reserve in which people will be grudgingly managed and access is limited.

I would suggest that if the authority has not already done so they look into the implications of s193 of the Law of Property Act, and in particular, the need for an Order of Limitations under s193(b) of the above Act to extend the restrictions to include dogs on leads.

Sincerely

Nicola Harper, for and behalf of Natural England
Senior Advisor on Common Land and Access

Footnote 1:

Protected species
We have not assessed this application and associated documents for impacts on protected species. Should the applicant be successful in obtaining consent they should take note of the following if they have not already done so.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk

Davis, Rob

From: Kate Ashbrook [redacted]
Sent: 16 September 2019 13:38
To: commonlandcasework
Subject: The Sands, Durham - Commons Act 2006 section 16 deregistration and exchange

Dear PINS

We have received from Durham County Council its application to deregister part of The Sands in order to build a new council headquarters, and to offer in exchange land to the north of the common but quite separate from it. We wrote to express our concerns when the council consulted us, but never received a response and as far as we can see the application is no different from the consultation. We therefore object to the application.

While we note that the replacement land comprises a piece of land substantially larger than the proposed release land, it appears to us that the land is already public open space. If it is, then the land is already protected from development and open to public access: the public has nothing to gain from such an exchange. We asked the council to inform us for what purpose, and under what powers, the replacement land is held, and whether the council intends to appropriate the land to another purpose, or to be held under other powers, in consequence of the proposed exchange, but received no reply. What is the status of the public's present access to the replacement land? If the public does not have access to the replacement land, why is that, and why will the position change in consequence of the application? We note, in this respect, that the application form states (item 15) that, 'The Replacement Land is proposed to be accessed by a single gate': this is hardly an application which intends to promote the use of the replacement land for public recreation, for it is obvious that, where access is available only through one gate, on an out-and-back basis, the land will be little used. Perhaps that is the council's intention?

The Secretary of State's policy guidance, which applies to the determination of applications under s.16, provides (para.4.5, first bullet) that she: 'would not normally grant consent where the replacement land is already subject to some form of public access, whether that access was available by right or informally, as this would diminish the total stock of access land available to the public.'

We note that the proposed release land is claimed to have been incorrectly registered. We have no evidence as to this, and we note that it is not proposed to pursue an application for rectification of the register. But we do note that consent was given under s.194 of the Law of Property Act 1925 for use of the proposed release land as a coach park. If the intention of the council is that such use is no longer required, and assuming that the consent was not time-limited, then, on cessation of use as a coach park, the land must be returned to use as common land. We do not accept that the effect of the s.194 consent is to exclude the public right of access to the release land under s.193 of the 1925 Act: the s.194 consent could only have that effect if it were a clear and inescapable effect of the consent (for example, if a consent is granted to erect a building on common land). Here, the purpose of the consent was to enable the land to be surfaced for parking coaches, and (*per Attorney-General v Southampton Corporation*) to authorise the intermittent and limited interference with public access which might be presented by coaches actually parked on the land. Thus, the land is no longer used for a coach park, the sealed surface ought to be removed, and public access under s.193 is freely available — except we understand that the council, or its contractors, have unlawfully excluded public access from the land. The position, therefore, is that — had the council not jumped the gun — the release land should and must be restored to its original function as part of the Sands common. There can be no 'discount' from this function because of past use. We add that, in relation to suggestions that the release land was wrongly registered as common land, the Secretary of State's policy guidance provides (para.5.4) that she does not 'see the purpose of section 16 as enabling the deregistration of land which is claimed to have been wrongly registered': instead (para.5.5), 'In considering an application under section 16(1), the Secretary of State will assume that the release land is correctly registered.'

The release land is in the former municipal borough of Durham and Framwelgate and is subject to s.193 of the Law of Property Act 1925. The replacement land also appears so to be subject. What provision will be made to enable use by equestrians in accordance with the rights of access conferred by s.193?

In short, the council proposes to deregister part of The Sands, a precious part of Durham's heritage and valuable recreational space within the city centre itself, with land outside the city centre which is already managed for conservation and to which there will be very limited new public access. That is a very poor deal indeed.

Finally, we note that the council has not disclosed the terms of the consent granted to it under s.194 of the 1925 Act, and we ask that a copy be provided to objectors.

Yours sincerely

Kate Ashbrook
General Secretary
The Open Spaces Society
25a Bell Street
Henley-on-Thames RG9 2BA
tel 01491 573535, mob 07771 655694
email: hq@oss.org.uk
website www.oss.org.uk
The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).

Please support our campaign now to ensure
highways across commons are not deregistered.

Read my blog at http://campaignerkate.wordpress.com/

The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

Davis, Rob

From: Harold Pattison [redacted]
Sent: 22 September 2019 15:08
To: commonlandcasework
Subject: Deregistration of common land to enable the building of a new County Hall

Categories: Green Category

Riverside walks are one of my favourite pastimes and with advancing years the more rigorous walks i've enjoyed are no longer possible for me. All easily accessible routes should never be closed. I've used the area concerned and I'm absolutely horrified that the council has decided to proceed with this.

Davis, Rob

From: R PURDOM [redacted]
Sent: 30 August 2019 14:53
To: commonlandcasework
Subject: Application to de-register common land at The Sands, Durham City, County Durham

Categories: Green Category

To the Planning Inspectorate common land team,Bristol

Dear planning inspectorate,
We (Richard and Margaret Purdom) wish to strongly object to Durham County Council's intention to de-register part of The Sands in Durham City which has been accepted for centuries as being held by the Freemen of Durham City. It is a lovely peaceful area in the city centre used by many , many people for walking and leisure .On Saturdays it is used as a coach park for visitors to Durham and we have often thought that it is a lovely way to greet Durham to find yourself in a coach park which is surrounded by beautiful mature trees. Not any longer - the County Council have actually fenced this land off and cut down the magnificent trees which were such an asset to a city centre which suffers from traffic pollution. They are determined to build a new headquarters on this most unsuitable site which has only one road in and one road out and is on a flood plain despite over 1,000 letters of objection from residents . They must have taken notice of the 10 letters in favour of the proposal .Their only justification is that this move is going to bring 6,000 jobs to Aykley Heads. There are many suitable sites around the town on which they could build without interfering with their quest for jobs . They propose to give some land at Aykley Heads to the Freemen to replace the land on the Sands. The land at Aykley Heads is not convenient for any Durham citizens being about a two to three mile uphill walk to reach it.
We are both 85 years of age and have lived in and loved Durham City all our lives - we know we will not see the future outcome of all this but we are saddened to think that Durham County Council are being so uncaring about their environment that they can propose to de-register this land so unnecessarily .
Yours sincerely
Richard and Margaret Purdom [redacted]

Davis, Rob

From: Pam Reny [redacted]
Sent: 19 September 2019 18:25
To: commonlandcasework
Subject: The proposed deregistration of Common land at The Sands, Common CL29 (grid ref :NZ274429)

Categories: Green Category

[redacted]

Re: The proposed deregistration of Common land at The Sands, Common CL29 (grid ref :NZ274429)

Dear Sir/Madam,
I am writing to object to the decommissioning of common land at The Sands Common CL29 (grid ref:NZ274429)by Durham County Council for the purpose of building their new offices . I have lived on The Sands since 1965, I use this common land frequently to walk into the city centre and as a child I played on it. It is used by families, dog walkers etc.
The piece of land the council is offering at Aykley Heads (grid ref:NZ272438) in return for the appropriation is of no use to me, it is too far away.
The council have taken the land, fenced it off and felled trees before it has had confirmation that they may do so, as they presume it is their right to take it . I believe the council has no right whatsoever. Acceptance of this could set a precedent in the future and our Common land put in danger of being arbitrarily taken.
Also the wild life by the river will be detrimentally affected, otters, swans, herons, etc. they cannot relocate to the land that is being offered.
I hope that you will not decommission this piece of common land.

Yours faithfully,
Pamela Reny.

Davis, Rob

From: RobNat [redacted]
Sent: 31 August 2019 12:04
To: commonlandcasework
Subject: The Sands Durham City

Categories: Green Category

Dear Sir or Madam,

I write in response to the planning notice publicised in the Durham Advertiser. I wish to raise concerns about the proposals of Durham County Council to construct new Council offices and car parking on the Sands and adjacent land. As you may be aware this is a proposal that has already received a lot of criticism from the Durham City residents. Sadly their views appear to have been ignored to date. Like my fellow residents I do not disagree with the idea to replace the existing Council offices. It is the really silly proposal to build the new offices on the Sands that people who know the city well can not understand and feel frustrated by the Council's complete refusal to take on board the very significant protest that has been made. In summary my concerns are as follows....

The Sands area is not easy to access or exit by car. We know that the Council expects people to get to these offices by car because they plan to build a large car-park. For significant numbers of Council workers to get away from the proposed offices requires them to proceed up the steep hill of Providence Row to a traffic light controlled T junction with Claypath. It is obvious to anyone who know this layout that significant congestion will result and will only lead to retrospective adjustment when this becomes clear to the Council and their staff.

The Sands is Common Land and as such an area long regarded as protected from development. There are numerous other locations that are not protected as such and with better accessibility that the Council could develop. Instead they appear fixated with having offices as close to the City Centre as possible. I understand that their argument in part is to support retail in the city. The pressures upon the retail sector are clear but to see this as a solution shows a complete lack of appreciation on the Councils behalf of the complexity of the issues that are driving current trends in the retail sector.

The Sands is liable to flooding. I have lived in Durham for over 50 years and for some of this time at Wearside Drive adjacent to the Sands. I have seen the River Wear flood at this location on numerous occasions. I am sure that the Councils' plans include flood defences but we all know that climate change is happening and that extreme weather events will continue if not escalate. Building such strategic offices on flood plain seems foolhardy.

My final observation is that despite the significant local protests and the fact that the application to change the status of the Common Land has not completed its process, the Council have already started work and cleared trees from the Common Land. It is clear that they do not respect the views of the people who live in the city. It now appears that they do not respect the Planning Approval Processes either.

Yours sincerely

Robert Richardson

Davis, Rob

From: Cllr Elizabeth Scott [redacted]
Sent: 24 September 2019 17:36
To: commonlandcasework
Subject: Proposed deregulation of Common Land at: The Sands, Common CL29

Categories: Green Category

Dear Sirs,

My name is Councillor Elizabeth Scott and I am Parish and County Councillor for the Nevilles Cross division which contains the parcel of land which Durham County Council is proffering as replacement land for the 688 square metres of land which is part of The Sands Common Land. This piece of land is part of Aykley Woods Nature Reserve and is fenced and gated to protect ground nesting birds from disturbance. It is therefore inaccessible to the public for six months of the year and would not be an area that is suitable for redesignation as Common Land with associated rights. As I see it, this is in breach of the Commons Act 2006, Section 16 paragraph 8a.

Apart from this access is poor and it is a not in the neighbourhood of The Sands, being 2 miles away and having the River Wear and railway line between the two sites.

I hope you will consider this representation when you are deciding this matter.

Cllr Elizabeth Scott

Sent from my iPad

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Davis, Rob

From: [redacted]
Sent: 21 September 2019 17:49
To: commonlandcasework
Subject: Proposed deregistration of Common Land at: The Sands, Common CL29

Categories: Green Category

Sear Sir/Madam,

I would like to register my objections to the deregistration of the Sands Common Land Durham as I have been able to use this land as my right for many years to
take my children and Grandchildren there to play and picnic. It is as it says, Common Land and we have always had the use of it to see our children develop in play.
Even our dogs are allowed to walk on it!
It's Common Land, please leave it alone!

Jim Tait
[redacted]

[redacted]

Davis, Rob

From: Nicholas Till [redacted]
Sent: 11 September 2019 00:09
To: commonlandcasework

Categories: Green Category

Sent from Mail for Windows 10

Re: Proposed deregistration of Common Land at: The Sands, Common CL29

From: Mr.N.J.Till,
[redacted]

10.9.19

To the Planning Inspector or representative,

I wish to object to the above-mentioned deregistration on the following grounds:

The plot of land in question is long-standing Common Land which has remained in continuous use in that capacity by members of the public up till the present. For all that most of it has been in recent years a coach park (and a particularly convenient one as a city centre parking place for tourist coaches in particular), the adjacent riverside has been regularly used by walkers, including dog-walkers, kids exploring, and anglers, for whom this stretch of the River Wear has long constituted 'the Durham Free Fishing', concomitant I assume with the status of this and adjoining areas of the riverside as Common Land on which the Freemen of Durham traditionally had common land rights. An appropriate Environment Agency fishing licence is a legal requirement to fish this stretch, but its 'free' status means that no other permit or fee is required.

I mention the fishing because I used to fish there regularly, catching salmon (just the one), sea-trout and brown trout. The Free stretch, from shortly below the Framwellgate weirs down to Kepier Hospital, comprising both sides of the river where accessible, has been an attractive and productive angling venue since the reduction of river pollution in the early post-war years allowed fish to return, and the length of river bank adjoining the coach park is a part of this free stretch.

The coach park was till very recently surrounded by mature deciduous trees, which agreeably screened the park as well as being of environmental benefit. They were also part of a pleasant edge-of-town lead-in to the city's green and rural surroundings, first the maintained grass lawn and the riverbank of The Sands immediately beyond, then the countryside proper. These trees have lately been unceremonisly removed by Durham County Council (DCC).

DCC want to designate a piece of open land at Aykley Heads, a long way out of the city centre and up a hill, as Common Land in exchange for the piece of land this communication is about (Common CL29). This won't do. The proposed patch of land at Aykley Heads is no equivalent, has to my knowledge no comparable history of continuous use by Durham's citizens, and seems to have been chosen as a substitute by DCC purely in a bid to secure a hasty quick fix.

I hope that your study of the submissions will lead you to refuse the proposed deregistration of the piece of Common Land in question, at The Sands, CL29.

Yours etc.,

Nicholas Till.

Davis, Rob

From: [redacted]
Sent: 27 August 2019 13:22
To: commonlandcasework
Subject: Fencing of of common land at the Sands, Durham City

Categories: Green Category

To whom it may concern,

Re. the fencing off of common land on the Sands in Durham City, by Kier Group and DCC.

If we, as private home owners living next to a piece of common land, decided to fence it off and close a riverside footpath used by many people daily what would be the response of DCC? We are sure legal action would have been taken against us.

DCC's actions over this this and the lack of a proper wide ranging consultation process regarding the siting of the new County Hall demonstrates the complete disdain in which they hold the local residents and wider electorate.

The offer of a piece of land in lieu, which is on the other side of the city is derisory and insulting.

We hope that common sense prevails and the attempt to deregister this important piece of common land is refused.

Yours faithfully,

A and K Tunstall
Durham City

Davis, Rob

From: WILLIAMS, JEAN M. [redacted]
Sent: 23 August 2019 14:01
To: commonlandcasework
Subject: THE SANDS COMMON (CL.29)

Categories: Do

Dear Planning Inspectorate,

Re. Proposed deregistration of the common land at The Sands Common (CL.29)

I write to express in the strongest possible terms my objection to the proposal of Durham County Council's application to deregister the Common Land at The Sands in Durham City.

The proposed development of this whole site has caused anger and dismay to the citizens of Durham. The I'll-thought out scheme to build a new County Hall on the site resulted in over one thousand objections by the people of Durham and a few county councillors, who do not reside in the city, seem bent on destroying this historic and beautiful place. It is also a flood plain with poor access.

We value the Sands and it's common land which is much used and appreciated. I beg you to turn down this application.

Yours, faithfully

Mrs Jean Williams

[redacted]

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Davis, Rob

From: Rosemary Zakrzewski [redacted]
Sent: 24 September 2019 10:15
To: commonlandcasework
Subject: Common Land on the Sands, Durham

Categories: Green Category

This is a last minute plea from a resident of the Sands area of Durham City regarding the Common Land that the Council hopes to deregister in order to build a water tank and create a private carpark for County Councillors coming to the County Headquarters next door.

One of the statements in the County Planning requirements is that the applicant must respect the opinions of the local residents. So far in the planning and construction process of the County Headquarters, the Council has totally ignored the 1000+ letters submitted not only by local residents and people living across Durham County, but by respected organisations such as English Heritage, the World Heritage Site, Durham City Trust, Durham City Parish Council and the Environment Agency etc.

The Council, suddenly, only a couple of months ago, realised that they needed to apply for deregistration of the Common Land for their planned water tank and private carpark. Before the Councillors had received any permission from you, they started preparing this land for construction - by fencing the land in, so we common people could not walk through there to the river and tourist buses could no longer park there, as in former years had been agreed by all. In addition trees have been felled and now there is evidence of the start of actual construction work, presumably for the water tank.

Thus, it would appear to me that the Council, by giving permission to the developers before receiving your permission, have actually broken the law. We, the residents, are suffering, and so is Durham City, as the tour buses have nowhere suitable to park. Meanwhile the plans for this area of the Sands include a multistorey car park across the road to replace the carpark where the actual Headquarters building us being constructed - thus there will be plenty of parking spaces for the County Councillors. The Council suggested another area of Durham for non-councillors to use as a carpark, but this location is far away from the historic centre of Durham, and therefore not suitable for tourists. The buses have to come down once to the Sands to drop their clients, then go away and come back to pick them up. These two journeys increase air pollution and traffic congestion.

I hope you will consider these points when you make your decision over Durham City's Common Land on the Sands.

Thank you,
Rosemary Zakrzewski

Response to objections

Application COM/232618 for Deregistration of part of Common Land at the Sands, Durham

REGULATION 9 OF THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

Helen Lynch and Democratic Services

Durham County Council

County Hall

Durham

DH1 5UL

Ref: NC/14195

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1 Introduction

1.1. On 20 August 2019, the Council submitted an application under Section 16 of the Commons Act 2006 to deregister the Release Land at the Sands Common and substitute the Replacement Land. The Planning Inspectorate have allocated the application reference number COM/232618.

1.2. During the relevant 28 day representation period, 45 no. objections were submitted to the Planning Inspectorate. A supplemental objection was submitted outside of this period on 9 October 2019 and it has been agreed with the Planning Inspectorate that this will also be taken into account. The Planning Inspectorate sent copies of these objections to the Applicant, which were received on 7 October 2019.

1.3. The Applicant has assigned a number to each objection as set out on the list of objections which is attached at Appendix i.

1.4. This document is the Applicant's response to the objections, in accordance with regulation 9(3) of the 2007 Regulations.

2. Applicant's response to objections

Objection 9 – Freemen & Durham City Parish Council

2.1 The central theme is objection to the new Council HQ project with which the Freemen and Parish Council disagree. It is clear that the current application is regarded as a mechanism through which to continue such opposition. However, as discussed at paragraph 2.17 below, it is not permissible to revisit the merits of this.

2.2 Insofar as the Freemen assert that they have grazing rights which exceed those recorded in the rights part of the Commons Register, that is legally incorrect.

2.3 Although the Freemen say that they required the Release Land to be returned to grass when the Royal Ordnance use ceased, no formal agreement has been produced to this effect and it is of note that this position is not borne out in the agreement dated 25 March 1982 between

the Freemen and the Secretary of State (or the surrender of the same dated 28 February 1994) which contain no such reinstatement obligation upon cessation of the permitted use.

2.4 The agreements with the Freemen relating to the car park which is not part of the Sands Common and is outside of the Release Land are not directly relevant to the determination of this application.

2.5 The Applicant is not required as part of this application to demonstrate a need for the proposed car park on the Release Land in connection with the HQ. There is no need criterion in the Commons Act or the secondary legislation made under it which governs this application. The Council has obtained planning permission which permits a car park and water storage tank on the Release Land. It is a matter for the Applicant how it chooses to deliver the HQ project and it has already been decided that a car park and water storage tank is to be located on the Release Land. The Applicant does not understand the objector's reference to paragraph 4.4.1 of the Supporting Statement but the relative merits of alternative HQ sites was previously considered and is discussed at paragraph 4.3 of the Applicant's Supporting Statement.

2.6 Paragraph 2.1.2 of the Supporting Statement is not a 'gross misinterpretation.' It is supported by the Freemen's own Solicitor's letter dated 18 March 1968 which makes it crystal clear that they were not interested in exercising grazing rights in practice and were instead interested in compensation.

2.7 Whilst it is true that, subject to the necessary planning permission being obtained, there would be nothing to prevent the Applicant from using the Release Land for a purpose other than the HQ car park should the application be granted, that is generally so with any land. Furthermore, if the application were to be granted, it must be remembered that the Replacement Land would become Common Land by way of compensation for the loss of the Release Land. To some extent, therefore, what ultimately happens in the future with the Release Land is of no consequence. However, for the avoidance of doubt, the Applicant has absolutely no intention of using the Release Land otherwise than in connection with the HQ project.

2.8 On the one hand it is said that the Freemen wish to see the Release Land returned to grass but on the other hand it is asserted that the coach park use has a functional value in connection with the wider Sands Common. These two propositions are mutually exclusive. The Applicant would also point out that the Lumiere Festival is an Applicant run and funded event and the

Pride Festival is also funded in part by the Applicant. It is not proposed to use the Release Land as a private car park; it will be open to the public on evenings and weekends.

2.9 The Cheltenham Builders case is a Town and Village Green case. It is of no application to Section 16. The most relevant case in this regard is that mentioned at paragraph 4.4.1 of the Supporting Statement, namely the Walton Heath Golf Club case. In any event, the Applicant does not disagree with the objector as to the areas which would likely comprise the neighbourhood. It should also be pointed out that the neighbourhood (however that is defined) do not have *exclusive* rights to use the Release Land as the objector appears to be suggesting.

2.10 It is accepted that the Replacement Land is uphill from the Release Land but it is not accepted that it is otherwise than extremely accessible. This issue is addressed at paragraph 2.2.3 of the Supporting Statement.

2.11 Should the application be successful, there would be nothing to stop international visitors from walking on the remainder of the Sands Common and indeed over the Release Land. As to the suggestion that the Applicant could nibble away at the Common Land on a piecemeal basis, the Applicant wishes to make it clear that it has no intention of seeking to further erode the balance of the Sands Common. In any event, this application must be determined on its own merits on the basis of the factual situation which exists as at the date of determination. It is unhelpful and legally wrong to seek to introduce theoretical propositions as to what may or may not happen at unspecified future times.

2.12 It is wholly inappropriate to suggest that the Applicant's landscape assessment of the impact of the proposed car park use is otherwise than objective simply because it was undertaken in house by a Landscape Officer as part of the HQ planning application. The landscape Officer in question is very experienced and professional in his approach and it is of note that lack of objectivity in this regard was not a ground pursued by the Parish Council as applicant in the failed Judicial Review challenge to the planning decision. There is absolutely no requirement to consider as part of this application any wider landscape harm which may be occasioned by the HQ building. That building is not proposed for the Release Land and it is plainly wrong to suggest such an approach to the assessment of landscape and visual impacts of this application. The reliance on the Secretary of State's findings as to the character and appearance value of the Sands in 2004 is clearly misplaced. The Inspector actually found that the open space contributes greatly to the character and appearance of the area but contrasted

that with the urbanised appearance of the Release Land (see paragraph 6.9 of the Inspector's report).

2.13 It is accepted that the Replacement Land is less conveniently accessible to some residents in Durham City but it is not accepted that it is inaccessible to the public generally.

2.14 It is wrong that the Replacement Land has no road access for transporting animals for grazing. Access by road can be gained from the B652 roundabout at Aykley Heads which also serves as access to a number of businesses and Durham Police HQ.

2.15 It is proposed to leave the fencing in place on the boundaries of the Replacement Land in order to ensure that it is suitable for the Commoners' exercise of grazing rights should they decide to exercise those rights in the future although there is no evidence to suggest that they would ever wish to do so. Natural England have provided advice on improving accessibility by more than one access, pathways and signage which the Applicant accepts.

Objection 34 - Advice from Natural England

2.16 The Applicant welcomes the measured and generally positive comments from objector 34 and endorses the conclusions reached. The Applicant will also take on board the suggestions (which are also flagged by objector 35 (OSS)) as to how the Replacement Land may be managed so as to be more attractive to dog walkers. In particular, the Applicant is amenable to introducing another access point, installing a mown path and advisory dog walking signage during nesting bird season and will of course comply with its legal obligations under the Equality Act 2010 in terms of gates and pathways.

Objections to the new Council HQ project

2.17 This is raised by objectors 1, 4, 5, 6, 9, 10, 12, 13, 15,17, 18, 19, 20, 22, 24, 27, 29, 30, 32, 33, 37, 39, 43, 44 & 45. However, as the new Council HQ project already has the benefit of planning permission and a robust site selection process, the merits of such are not relevant to the determination of the Section 16 application under consideration.

Fencing and works undertaken on the Release Land ahead of determination of application

2.18 Objectors 1, 2, 3, 4, 10, 11, 13, 14, 15, 17, 19, 25, 28, 29, 31, 35, 37, 38, 39, 42, 43 & 45 raise this as an issue. Whilst the Release Land is being used as a site compound during the construction phase of the new HQ and some preparatory works have been undertaken including site hoarding, none of this is directly relevant to the merits of the Section 16 application. The Council is following the guidance in the Annex to the PINS Common land guidance sheet 1a, namely that where consent under Section 38 of the Commons Act 2006 would not be forthcoming, an application under Section 16 is to be pursued. Objector 10 also goes further by alleging that these works amount to a criminal offence under Section 38 of the 2006 Act. However, section 38 contains no offence provisions. Objector 9 appears to have misunderstood the precise exemption to Section 38 which the Council have sought to rely upon in connection with the installation of a new electricity supply cable on the Release Land. It is section 38(6)(a) and not S38(6)(d).

Replacement Land is too far away from Release Land which is well used

2.19 Objectors 2, 4, 5, 6, 7, 8, 10, 13, 14, 16, 17,19, 20, 21, 25, 26, 27, 28, 29, 30, 33, 36, 37, 38, 40, 41, 42 & 44 raise this as an issue. However, it must be remembered that the Release Land has been in use as a Coach Park for many years so it is difficult to understand how such use would have been compatible with recreational use by local residents. The remainder of the Sands Common is unaffected by this application and is considered adequate for the recreational needs of local residents. Nor is access to the riverbank or riverside walk affected which is outside of the boundaries of the Release Land. In terms of the distance to the Replacement Land, it is accepted that some users will find it less convenient to travel to it than to the Release Land.

Replacement land unsuitable

2.20 Objectors 5, 6, 7, 10, 12, 19, 27, 29, 40, raise this as an issue. Particular concern is expressed about nesting birds on the Release Land and whether it will be closed to the public at certain times of the year. Whilst seasonal nesting does occur, it is considered that this can be adequately mitigated by management of the site and signage as set out in paragraph 4.5.2 of the Applicant's supporting statement (and to be further revised in light of Natural England's comments). It is not anticipated that the Replacement Land will need to closed to the public during these times. Objectors 19 & 25 also suggest that the Replacement Land is already used by the public, being managed for public use and containing permissive footpaths and

cycle ways. That is factually incorrect. There is no public access to the site, permissive or otherwise. Objector 35 goes further by asserting that the Replacement Land is already public open space. That is incorrect. Whilst the Replacement Land is in public ownership, it has no statutory or other protection. It is currently held for conservation purposes under the Countryside Act 1968. The public do not have any access rights by reason of the statutory basis upon which the Replacement Land is held. Should the application be successful it would be the Applicant's intention to effect an appropriation in order to align the Replacement Land with its new Common Land status. As present, it is not open for public use generally. It is fenced and gated. This is addressed in more detail at paragraph 2.2 of the Applicant's Supporting Statement.

Need for a Coach Park

2.21 Objectors 4,14, 17, 26, 30, 33 & 45 raise this as an issue. However, the coach park use of the Release Land was unauthorised in Common Land terms and in any event, the Applicant has already provided a replacement coach park at the Belmont Park and Ride site.

Coach Park should be returned to grassed area

2.22 This is raised by objectors 4,10, 16, 17, 19 & 35. The Release Land is required in connection with new HQ project so returning it to a grassed area would not be feasible. Furthermore, there is ample grassed open space on the remainder of the Sands Common for use by the public and local residents. There is no unmet recreational need for the Release Land to be grassed. It is also of note that calls for the Release Land to be grassed over are in direct contradiction to those objections which wish to see it retained as a Coach Park.

Ecological value of Release Land

2.23 Objectors 5, 10, 16, 17, 20, 21, 22, 25, 30& 38 consider that wildlife will be displaced from the Release Land and mention the value of trees on the site. However, given that its last use for many years was as a coach park, it is not considered that any wildlife will be displaced from it. The Applicant has already removed from the Release Land those trees permitted to be felled in accordance with planning permission.

Other matters

i) OSS

2.24 Objector 35 suggests that the Applicant puts its case on the basis of an incorrect or mistaken registration of the Release Land. This is incorrect. It is no part of the Applicant's case that the Release Land was mistakenly registered in 1968. The Applicant made a previous suggestion to this effect at the non-statutory consultation stage prior to the submission of the application, but this was amended when it became apparent from information submitted by objectors that this was factually wrong. Contrary to what is asserted by this objector, no consent under Section 194 of the Law of Property Act 1925 has ever been sought or obtained for the use of the Release Land as a coach park.

ii) That public use rights will survive deregistration

2.25 Objector 17 asserts that deregistration will not bring to an end the public's right to use the Release Land and that such common rights will continue. This is legally incorrect. It is clear from S193(1)(d)(i) of the Law of Property Act 1925 that deregistration will operate to extinguish such rights.

iii) Why rights of common have not been exercised over the Release Land

2.26 Objector 29 considers that the reason why rights of common have not been exercised is due to the tarmacking of the Release Land and use as a coach park. Whilst the coach park use clearly has impeded the exercise of common land rights, this is not the whole story. It is clear that as far back as 1968, the Commoners were not interested in, and had no intention of, exercising their rights. This is covered in more detail at paragraph 2.1.2 of the Applicant's Supporting Statement.

iv) The effect of the 1995 agreement with the Freemen

2.27 Objector 10 asserts that the agreement dated 18 January 1995 between the Council and the Freemen contains restrictions upon building on the Release Land. This is incorrect. Such restrictions relate to injury to, or encroachment onto, the remainder of

the Sands Common and not the Release Land. In any event, this is not directly relevant to the merits of the application under consideration.

v) *Misleading photograph*

2.28 Objector 11 considers that the Applicant has submitted a misleading photograph of the Release Land as part of the application. However, it is not understood what photograph is being referred to.

vi) LAF comments

2.29 The Applicant generally agrees with the representations by objector 31 that the benefits and disbenefits of the proposal must be weighed in the balance.

3 Conclusion

3.1. The Applicant has carefully considered the objections submitted and remains of the view that the case for deregistration of the Release Land and registration of the Replacement Land is made out. The advice from Natural England as to how to improve accessibility of the Replacement Land is accepted.

Appendices

i. List of objections

ii. Lease between 1) The Council of the City of Durham, 2) The Trustees of the Freemen of the City of Durham and 3) The Secretary of State for the Environment dated 25 March 1982 and surrender of that lease dated 28 February 1994

iii. Report of Secretary of State for Environment, Food and Rural Affairs into application CLI 16, dated 2004

Appendix i

List of objections

No.	Date	Name	Company
1	13 Sept 2019	CMJ Allen	
2	24 Sept 2019	Victoria Ashfield	
3	30 Aug 2019	Chris Atkinson	
4	20 Sept 2019	Kathryn Banks and Paul Fairburn	
5	16 Sept 2019	Andrew Blackwell	
6	23 Sept 2019	Barbara Brown	
7	22 Sept 2019	Cllr Liz Brown	County Councillor
8	1 Oct 2019	John Lowe	City of Durham Trust
9	19 Sept 2019	Nicola Allen	The Freemen and Durham City Parish Council
10	23 Sept 2019	Jean Crowden (enc 2 other letters) + additional letter dated 9 October 2019	
11	26 Aug 2019	Elaine Denby	Commoner
12	30 Aug 2019	Shaun Doran	
13	24 Aug 2019	Dennis and Anne Findley	
14	24 Sept 2019	Frank Firth	
15	4 Sept 2019	Bernadette Forster	
16	13 Sept 2019	Cllr David Freeman and Cllr Richard Ormerod	County Councillors
17	23 Sept 2019, 27 Aug 2019, 26 Aug 2019, 21 Aug 2019	Janet George	Secretary of local residents association
18	2 Sept 2019	Malcolm Gibb	
19	2 Sept 2019	Mike Gibb	

20	28 Aug 2019	Joanne Gorton	
21	9 Sept 2019	Christopher Harbron-Hall	
22	28 Aug 2019	Julian Harrop	
23	22 Aug 2019	Aisling Parrish	Historic England
24	21 Sept 2019	Graeme Hepworth	
25	23 Sept 2019	N Holmes	
26	22 Sept 2019	David Hook	
27	23 Sept 2019	Margaret Jefferson	
28	24 Sept 2019	Miriam Johansen	
29	22 Sept 2019	Trevor Laws	
30	24 Sept 2019	Prof Bob and Roz Layton	
31	23 Sept 2019	Pat Holding	County Durham Local Access Forum
32	20 Sept 2019	Sandra Lowes	
33	7 Sept 2019	Miriam Maddocks	
34	17 Sept 2019	Nicola Harper	Natural England
35	16 Sept 2019	Kate Ashbrook	Open Spaces Society
36	22 Sept 2019	Harold Pattinson	
37	30 Aug 2019	Richard and Margaret Purdom	
38	19 Sept 2019	Pam Reny	
39	31 Aug 2019	Robert Richardson	
40	24 Sept 2019	Cllr Elizabeth Scott	County Councillor
41	21 Sept 2019	Jim Tait	
42	11 Sept 2019	Nicholas Till	
43	27 Aug 2019	A and K Tunstall	
44	23 Aug 2019	Jean Williams	
45	24 Sept 2019	Rosemary Zakrzewski	

Appendix ii

DC86.

DATED 25th. March 1982

THE COUNCIL OF THE CITY OF DURHAM

and

THE TRUSTEES OF THE FREEMEN OF THE CITY OF DURHAM

to

THE SECRETARY OF STATE FOR THE ENVIRONMENT

Counterpart

Lease

of

land situate at The Sands in the City of Durham

P. A. BROOME, LL.B.,
CITY SOLICITOR,
CITY OF DURHAM,
BYLAND LODGE,
HAWTHORN TERRACE,
DURHAM. DH1 4TD

Xd FD/BMR.

Exempt from Stamp Duty
under S.I. 1970 No. 1681

SHAW & SONS LTD.,
SHAWAY HOUSE,
LONDON, S.E.26

This LEASE is made the twenty-fifth day of March One thousand nine hundred and eighty ~~one~~ two BETWEEN THE COUNCIL OF THE CITY OF DURHAM (hereinafter called "the Council") of the first part JOHN DICKINSON PEELE of Rowanwood Clay Lane Durham City CLIFTON WILLIAM GIBBY of Prebends Gate Quarry Heads Lane Durham City ~~WILLIAM ARTHUR DRUMWELL of The Anchorage Church Street Head Durham City~~ MICHAEL CLUTTERBUCK NORWOOD of Rose Cottage Hett Croxdale Durham City JOHN ERIC FAGG of 47 The Avenue Durham City PATRICK GEORGE WOODWARD of 27 North Bailey Durham City and PETER STOREY of Peppermires Brancepeth Durham City THE TRUSTEES OF THE FREEMEN OF THE CITY OF DURHAM (hereinafter called "the Trustees") of the second part and the SECRETARY OF STATE FOR THE ENVIRONMENT (hereinafter called "the Lessee" which expression shall whenever the subject or context so requires or admits include his successors in title and the persons deriving title under him or them) of the third part

WHEREAS

The Council is seised in unincumbered fee simple in possession of the land hereinafter described subject nevertheless to the rights of the Freemen of the said City of Durham to use and exercise a right of common thereon and under the provisions of an Agreement dated the Eighteenth day of September One thousand nine hundred and fifty made between the Mayor Aldermen and Citizens of the City of Durham and Framwelgate of the one part and the Wardens of the Trade Companies of the City of Durham of the other part to receive a portion of the

rents and profits thereof

NOW THIS DEED WITNESSETH as follows:-

1. In consideration of the rent and covenants on the part of the Lessee hereinafter reserved and contained the Council hereby demises and the Trustees on behalf of the Freemen of the said City hereby confirm unto the Lessee ALL THAT piece or parcel of land (hereinafter called "the demised premises") containing by admeasurement two thousand three hundred and fifty three square yards or thereabouts situate at The Sands in the City of Durham which said piece or parcel of land is more particularly delineated on the plan annexed hereto and thereon coloured pink TOGETHER with the right for the Lessee at any time during the term hereby granted to demolish remove or adapt any existing buildings on or forming part of the demised premises and to erect and maintain on the demised premises temporary buildings and erections as may be necessary for use in connection with the demised premises for the purposes provided for in this Lease AND TOGETHER ALSO with the right to affix and maintain at the entrance to the demised premises or at some other suitable places name plates or notice boards and a letter box (of such dimensions as may be required by the Lessee) and to run wires (including telephone wires) pipes and conduits (hereinafter called "the said services") through the demised premises as may be necessary AND TOGETHER ALSO with the right of removing the said buildings erections and the said services at any time during the term hereby granted or within a reasonable time after the expiration thereof EXCEPT AND RESERVING unto the Council at any time hereafter or from time to time full right and liberty subject to any necessary consent of the Trustees to execute works and make erections upon its adjoining

and neighbouring lands and to use its adjoining and neighbouring lands in such manner as it may think fit notwithstanding that the access of light and air to the demised premises or to any building hereafter erected thereon may thereby be interfered with and EXCEPT AND RESERVING unto the Council at all times hereafter the right of passage and running of water and soil from its adjoining and neighbouring land and any buildings now or hereafter erected thereon through the sewers drains pipes and channels in or under the demised premises and to make connection with such sewers drains pipes and channels or any of them for the purpose of exercising the said rights of running of water and soil TO HOLD the same except and reserved as aforesaid from the first day of October One thousand nine hundred and eighty for the term of Fourteen years PAYING the rents ascertained in accordance with the Schedule hereto such rents to be paid in arrears on the first day of October in each year the first of such payments to be made on the first day of October One thousand nine hundred and eighty one

2. The Lessee hereby covenants with the Council as follows namely:-

(a) To pay the rents hereby reserved on the days and in manner aforesaid

(b) To pay or indemnify the Council and the Trustees against all rates (including water rates) and taxes payable by or charged upon the occupiers of the demised premises but excluding owners drainage rate (if any) which excluded rate if paid by the Lessee shall be repaid by the Council and the Trustees to the Lessee whether or not the demised premises shall be in the occupation of the Crown

(c) Not without the previous consent in writing of the Council to erect or suffer to be erected any buildings on the demised premises or to make or permit or suffer to be made any material alteration to any buildings erected in pursuance of the consent of the Council given under this sub-clause provided that consent shall not be unreasonably withheld in the case of buildings or alterations which comply with the provisions of the Council's building bye-laws and town planning requirements

(d) To use any buildings erected on the demised premises for the purpose only of offices for the transaction of the business of the Lessee or of any department or organisation over which the Lessee has and exercises a general supervision

(e) Not to sell or dispose of any earth clay gravel or sand from the demised premises or permit or suffer the same to be removed or make any excavation except so far as the same may be necessary for the erection or alteration of the buildings hereinbefore referred to provided that the Lessee may use for the purposes of the said erection or alteration any of the beforementioned substances which it may be necessary to excavate

(f) Subject as mentioned in Clause 1 hereof not without the written consent of the Council to affix or exhibit or permit or suffer to be affixed or exhibited to or upon the demised premises or any part of the exterior of any buildings erected thereon any placard poster or other advertisement

(g) Not to do or permit or suffer to be done upon the demised premises any act or thing which may be or become a nuisance damage annoyance or disturbance to the Council or its tenants or to the owner or occupier of any neighbouring land and to keep the Council indemnified against all such claims or demands that may be made against it in respect of such nuisance damage annoyance or disturbance Provided Always that the user of the demised premises for the purposes referred to in sub clause 2(d) hereof shall not be deemed to be a breach of this sub-clause

(h) Not to assign underlet or part with possession of the demised premises or any part thereof without the consent of the Council such consent not to be unreasonably withheld

(i) To take all necessary steps to prevent any encroachment upon the demised premises or the acquisition of any new right to light passage drainage or other easement over upon or under the demised premises and to give notice to the Council of any threatened encroachment or attempt to acquire any such easement

(j) To maintain to the satisfaction of the Council a boundary fence and/or wall to enclose the demised premises

3. The Council hereby covenants with the Lessee that the Lessee paying the rent hereby reserved and performing and observing the several covenants on his part herein contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the Council or any person rightfully claiming under or in trust for it

4. PROVIDED ALWAYS and it is hereby agreed as follows:-

(1) If on the expiration of the term hereby granted the Lessee shall not desire to exercise the right of removing the said buildings and erections and the said services the Lessee shall give to the Council and the Trustees at least two months before such expiration an option in writing to purchase the said buildings and erections and the said services at the then current market value and if the Council and the Trustees shall exercise the said option by notice in writing delivered to the Lessee within twenty-eight days of receipt by the Council and the Trustees of the said option then the Lessee shall not remove such buildings and erections and the said services Provided that if after the exercise of the said option the current market value of the said buildings and erections and the said services cannot be agreed by the parties hereto such value shall be determined by a single arbitrator appointed in accordance with the Arbitration Act 1950 or any statutory modification thereof for the time being in force And Provided that if the Council and the Trustees shall not exercise the said option within the time aforesaid it shall still be lawful for the Lessee to remove all or any of such buildings and erections and the said services pursuant to the right hereinbefore granted

(2) That if the rent hereby reserved or any part thereof shall be unpaid for twenty-one days after becoming payable (whether formally demanded or not) or if any covenant on

the Lessee's part herein contained shall not be performed or observed then it shall be lawful for the Council at any time thereafter to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the rights of action of either party against the other in respect of any breach of the covenants herein contained

(3) Any notice under this Lease shall be in writing and any notice to the Lessee shall be sufficiently served if sent by registered or recorded delivery post to the Lessee at Property Services Agency Lawnswood Leeds and any notice to the Council shall be sufficiently served if sent by post as aforesaid to its City Secretary for the time being at his usual office address and any notice to the Trustees shall be sufficiently served if sent by post as aforesaid to any one of the Trustees at his usual or last known place of abode in England or Wales

IN WITNESS whereof the Council and the Lessee have hereunto affixed their respective Common Seal and Corporate Seals and the Trustees have hereunto set their respective hands and seals the day and year first hereinbefore written

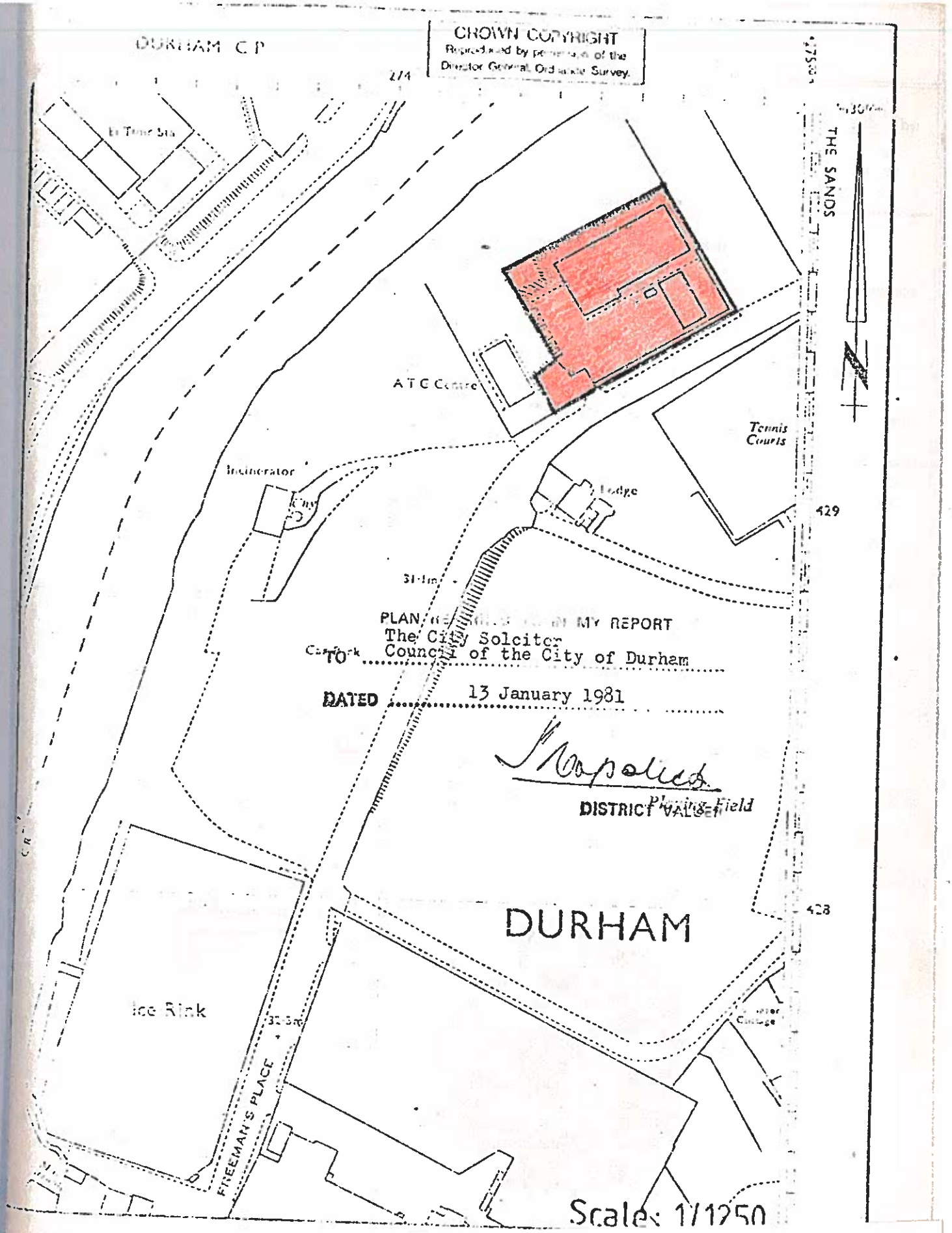
THE SCHEDULE above referred to

(1) In this Lease "review date" means the First day of October One thousand nine hundred and eighty five and the First day of October One thousand nine hundred and ninety respectively and "review period" means the period starting with any review date up to the end of the term hereof

(2) The yearly rent shall be (A) until the first review date the rent of Three hundred and twenty five pounds and (B) during each successive review period such revised rent as may be ascertained as herein provided and (C) in the event of a revised rent not being ascertained as herein provided the rent payable for the relevant review period shall be the rent payable immediately prior to the commencement of such period

(3) Such revised rent for any review period may be agreed at any time between the Council and the Lessee or (in the absence of agreement) determined not earlier than the relevant review date by an arbitrator such arbitrator to be nominated in the absence of agreement by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors on the application of either party made not earlier than six months before the relevant review date but not later than the end of the relevant review period and so that in the case of such arbitration the revised rent to be awarded by the arbitrator shall be such as he shall decide should be the yearly rent at the relevant review date for the demised premises in the open market between a willing Lessor and Lessee with vacant possession for the unexpired residue of the term hereby granted but disregarding any increase in rental value of the demised premises attributable to the existence at the review date of any building or buildings erected on the demised premises by the Lessee (or any other Government Department) whether before or during the term hereby granted

(4) IT IS HEREBY FURTHER PROVIDED in relation to the said revised rent as follows:-


DURHAM C P
CROWN COPYRIGHT
Reproduced by permission of the Director General, Ordnance Survey.
274
THE SANDS
A T C Centre
Tennis Courts
Incinerator
Lodge
429
31·1m
PLAN REFERRED TO IN MY REPORT
The City Solcitor
TO Council of the City of Durham
DATED 13 January 1981
Playing Field
DISTRICT VALUER
DURHAM
428
Ice Rink
FREEMAN'S PLACE
Scale: 1/1250

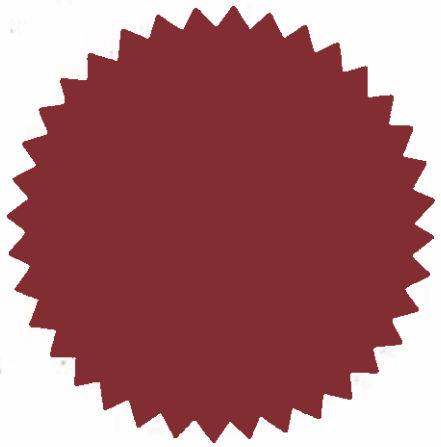
(A) The arbitration shall be conducted in accordance with the Arbitration Act 1950 or any statutory modification or re-enactment thereof for the time being in force

(B) When the amount of any rent to be ascertained as hereinbefore provided shall have been so ascertained memoranda thereof shall thereupon be signed by or on behalf of the Council and the Lessee and annexed to this Lease and the Counterpart thereof and the parties shall bear their own costs in respect thereof

(C) (i) If the revised rent payable on and from any review date has not been agreed by that review date rent shall continue to be payable at the rate previously payable and forthwith upon the revised rent being ascertained the Lessee shall pay to the Council any shortfall between the rent and the revised rent

(ii) For the purpose of this proviso the revised rent shall be deemed to have been ascertained on the date when the same has been agreed between the parties or as the case may be the date of the award of the arbitrator

THE CORPORATE SEAL of THE)
SECRETARY OF STATE FOR THE)
ENVIRONMENT hereunto)
affixed is authenticated)
by:-)



Authorised by the Secretary of State

M.T. FOREMAN

.S **MEMORANDUM** dated the Twenty Sixth day of
housand nine hundred and ninety ~~One~~ Two the within named Council and Lessee
e to record the fact that the rent payable under the within written Lease
d the Twenty fifth day of March One thousand nine hundred and eighty two has
n reviewed in accordance with the conditions contained in the Schedule
ereon and fixed by agreement in accordance therewith in the sum of Two
housand six hundred and fifty pounds (£2,650.00) per annum with effect from the
irst day of October One thousand nine hundred and ninety and by way of
endorsement thereon this Memorandum shall be attached to the within written
Lease

IN WITNESS whereof the Council and the Lessee have caused their respective common and corporative seals to be hereunto affixed the day and year first hereinbefore written

THE CORPORATE SEAL of the)
SECRETARY OF STATE FOR THE)
ENVIRONMENT hereunto affixed)
is authenticated by:-)

P. L. Warren

P L WARREN

Authorised by the Secretary of State

DATED 26th February 1994

THE COUNCIL OF THE CITY OF DURHAM

and

THE TRUSTEES OF THE FREEMEN OF
THE CITY OF DURHAM

and

THE SECRETARY OF STATE FOR THE ENVIRONMENT

SURRENDER OF LEASE

dated 25th March 1982
Land situate at
The Sands in the City of Durham

C/92/6275/JKD

TAUNTON IBM 15
DOCS\383DS
A/26 Mar 93
B/25 June 93 eng
EXCHANGE

2×50p. a
8 3

C/92/6275/JKD

DEED OF SURRENDER made the Twenty-eighth day of February One thousand nine hundred and ninety-~~three~~ four

1. PARTICULARS

1.1.	the Council or the Landlord	THE COUNCIL OF THE CITY OF DURHAM
1.2	the Trustees	PATRICK GEORGE WOODWARD of 2 Mayorswell Close Gilesgate Durham City ROGER C NORRIS of 4 Nevilledale Terrace Durham City PROFESSOR BERNARD SMYTHE of 13 Ferens Close Durham City DOCTOR GEORGE ANTHONY LOBJOYT JOHNSON of 11 Quarryheads Lane Durham City DOCTOR WILFRED E CHAPMAN 5 South End House South Road Durham City MARK VENNING of 10 South Bailey Durham City and JOHN COLE of 12 Prebends Field Durham City THE TRUSTEES OF THE FREEMEN OF THE CITY OF DURHAM
1.3	the Tenant	THE SECRETARY OF STATE FOR THE ENVIRONMENT
1.4	the Lease	A Lease dated the Twenty-fifth day of March One thousand nine hundred and eight two made between (1) The Council of the City of Durham (2) John Dickinson Peele Clifton William Gibby Michael Clutterbuck Norwood John Eric Fagg Patrick George Woodward and Peter Storey The Trustees of the Freemen of the City of Durham (3) the Secretary of State for the Environment
1.5	the Premises	The property demised by the Lease

2. RECITALS

2.1 This Deed is supplemental to the Lease by which the Premises were demised by the Council and confirmed by the Trustees to the Tenant for a term of Fourteen years from the First day of October One thousand nine hundred and eighty subject to the payment of the rent reserved by and the observance and performance of the covenants on the lessee's part and conditions contained in the Lease

2.2 The reversion immediately expectant on the term of years granted by the Lease remains vested in the Landlord and the residue of the term remains vested in the Tenant

2.3 The Trustees named above are the successors in title of the Trustees named in the Lease

2.4 It has been agreed that the Tenant will surrender all his estate and interest in the Premises to the Landlord in consideration of the release contained in Clause 4 and that the Landlord will accept such surrender in manner hereinafter appearing

3. SURRENDER AND ACCEPTANCE

3.1 In consideration of the release contained in Clause 4 the Tenant as Trustee surrenders and yields up and releases to the Landlord all his estate interest and rights in the Premises to the intent that the residue of the term of years granted by the Lease and all or any other estate interest or rights of the Tenant in the Premises whether granted by or arising from the Lease or by any deed or document supplemental to the Lease or otherwise shall merge and be extinguished in the reversion immediately expectant on the term of years granted by the Lease

3.2 The Landlord accepts the surrender of the Lease and the Premises in their state and condition at the date hereof

4. RELEASE

The Landlord and the Tenant each release the other party from all obligations contained in and all liabilities whatever under the Lease or any other deed or document supplemental to the Lease (other than this deed) whether past present or future and all damages actions proceedings costs claims demands and expenses arising from such obligations and liabilities

5. CONSENT OF THE TRUSTEES

The Trustees confirm the surrender of the Lease

6. INDEMNITY

The Tenant shall indemnify and keep indemnified the Council its servants and agents from and against all actions demands proceedings costs claims and expenses arising out of any loss or damage or injury to any person or property other than the Premises which may have occurred up to the date hereof by reason of the occupation and use of the Premises by the Tenant

I N W I T N E S S whereof this Deed has been executed by the parties hereto the day and year first before written

THE CORPORATE SEAL of the)
SECRETARY OF STATE FOR THE)
ENVIRONMENT hereunto affixed)
~~as a Deed~~ is authenticated by:)

Authorised by the Secretary of State

P L WARREN

Appendix iii

PETER HEGGIE F.

03/210

Report to the Secretary of State for Environment, Food and Rural Affairs

by David Tester CChem MRSC FCIWEM

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date

SECTION 194 OF THE LAW OF PROPERTY ACT 1925

APPLICATION

BY

DURHAM CITY COUNCIL

FOR

THE SANDS

DURHAM CITY

Inquiry held on 23, 24 & 25 March 2004

File Ref: CLI 16

File Ref: CLI 16
The Sands, Durham City, County Durham

- The application is made under section 194 of the Law of Property Act 1925.
- The application is made by Durham City Council to the Secretary of State for Environment, Food and Rural Affairs.
- The application Ref.CLI 16, is dated 26 June 2003.
- Consent is sought for the temporary use for a period of up to two years of approximately 0.95 hectares of common land for replacement car parking to include access, surfacing and lighting.

Summary of Recommendation: That consent be granted to part of the works and that the remainder of the application be refused.

1. PROCEDURAL MATTERS

1.1 The inquiry ran from Tuesday 23 March 2004 until Thursday 25 March 2004. I also held an evening session, as required by Section 11 of the Commons Act 1876, on Wednesday 24 March from 19.00 hours to 22.00 hours.

1.2 At the inquiry the Council made a minor alteration to the description of the proposal by adding the words *'for a period of up to 2 years'* after *'Temporary use'* in Section D7 of the application (Doc.5). This clarification, initialled by Mrs Blackie, Director of Legal Services, was made to ensure that the short term nature of the proposal mentioned in Section D8 became part of the description of the works. The Council also confirmed that the common rights listed in Section C6 should have included grazing rights for 20 cows, as well as the 50 sheep, 10 goats and 10 horses listed.

1.3 The Council also asks that, in the event of the application being refused, consideration be given by the Secretary of State for granting consent for part of the site (Doc.17 and Doc.4 p301). As it is open to the Secretary of State to approve some of the works in the application and refuse consent for the remainder, I have considered this alternative in my appraisal and conclusions.

1.4 This report includes a description of the application site and surroundings, the gist of the representations made at the inquiry, and my appraisal, conclusions and recommendations. I have attached all documents and plans submitted to the inquiry, including proofs of evidence. Reference to the documents in the text is made by (Doc.). Figures in square brackets are references to preceding paragraphs of the report. The proofs are generally as originally submitted, with any minor annotations being clarifications made at the inquiry. Unless expressly stated they do not take account of how the evidence may have been affected by cross-examination or other aspects of the inquiry.

1.5 Two legal matters were raised by objectors concerning whether the application was properly publicised [5.3] and whether an Environmental Impact Assessment (EIA) [5.12] was necessary for this type of application. I have dealt with these at the start of my appraisal.

2. THE SITE AND SURROUNDINGS

2.1 The Sands is an irregularly shaped area of open space of about 2.7 hectares less than 0.5km from the city centre (Plan A). It is about 400m long and 100m deep at its widest point and is bounded by the banks of the River Wear to the north, Freemans Place and The Sands, (a road with the same name), to the south and east, and the existing Sands coach and car park

to the west. A single bar fence about 0.5m high, with pedestrian access at about three points, marks the perimeter of the site except for the river bank and coach park end, the latter of which has a more substantial fence. Public footpath No.77 (shown in Plan A) crosses part of the land from east to west near its south-eastern end adjoining Freemans Place. The whole area is grassed and free from shrubs and trees, although a few overhang it near the coach park. Outside of the perimeter fence an indented area about 5m deep and 60m wide along The Sands (road) is lined with another dozen small trees and provides car-parking space for about 20 cars. This south-eastern end of the Common is overlooked by flats and houses on the far side of The Sands (road) and neighbouring roads. Parking on these roads is generally prohibited without a residents' permit.

2.2 The land is registered common land No.CL29 under the Commons Registration Act 1965 (Doc.4 – p12). Durham City Council owns the freehold. The common rights for herbage, which are not exercised, are held by the Trustees and Wardens of the Freemen of the City of Durham. These are let out to the Council in an 1897 agreement (Doc.7 - RN app3), so that the land can be used as a public recreation ground except for two weeks at Easter each year when a fair, circus or similar event may be held.

3. THE PROPOSAL

3.1 The existing temporary Walkergate car park further along Freemans Place is shortly to be redeveloped to create a hotel, residential accommodation (35 units), bars and restaurants, together with a multi-storey car park with space for about 500 vehicles. AMEC, the developer, expects to begin work in June/July of 2004 and the development will take about 18 months. The 400 parking spaces, the site currently provides, will be lost whilst the construction work is carried out. This amounts to nearly a quarter of the current off-street parking spaces serving the city centre.

3.2 To offset this shortfall the Council proposes to locate a temporary car park on The Sands to provide capacity for approximately 345 cars. It is intended to strip off the grass and topsoil of about 0.95 hectares of the Common at its south-western end and replace this with a more durable surface of crushed aggregate. Access would be provided from Freemans Place at the site's south-west corner and egress onto the same road on the outside of the bend to the west of the Freemans Place – The Sands (road) junction. 11 lighting columns placed around the perimeter would light the car park (Plan A). There would be additional boundary closures to the north and east. The car park would be open 24 hours a day for a period of up to 2 years from when the Walkergate site is closed, following which restoration of the site would take place. Planning permission for the proposal was granted on 26 March 2003 (Doc 4- p34).

Reduced area scheme

3.3 An old Royal Mail Sorting Office site is currently being demolished opposite the proposed car park on the far side of Freemans Place (Plan C). The former Sorting Office site, owned by the County Council, was granted planning permission on 10 March 2004 for a temporary car park for about 150 cars for a period of 2 years (Doc 4 – p296). The County and City Councils are currently negotiating a legal agreement to allow the City Council to use it to help offset the temporary parking deficit that will occur shortly. The need for car parking spaces on The Sands would be reduced to about 195 cars, subject to this development. The Applicant has therefore identified a reduced area (Doc 4 – p301) of about 0.5 hectares along the narrower western end of the application site, which could be used to provide about 175 spaces in that event. The agreement is expected to be concluded in the next few weeks.

4. THE CASE FOR THE APPLICANT AND ITS SUPPORTERS

Durham City Council

The case is contained in documents 4-17, together with additional points made at the inquiry. The material points are: -

Rights of the Council and the Freemen

4.1 The City Council has the right to manage its land in accordance with its own requirements provided it does not interfere with the commoners' rights or the public rights. It also has a responsibility as a local authority for the proper administration of the district. This duty includes the promotion and the protection of the local economy, making provision for the needs of residents, workers and visitors whilst protecting the special qualities of the area. In this case the City Council requires the land for a temporary period in order to meet its responsibilities for off-street parking and deliver the last piece of the regeneration jigsaw in this area.

4.2 The Freemen are active in managing and maintaining the Common for public recreation and the Easter fair and have undertaken works of improvement to the land, more recently removing hard surfacing and grassing some areas. If they exercised their herbage rights on the Common they would make a profit. In the absence of grazing the Freemen have a duty to make a profit in other ways in order to fund their maintenance responsibilities and distribute any surplus to charity. In recognition of that the Council has agreed to pay the Freemen a proportion of the profit from the proposed car park in compensation for their herbage rights. The consent of the Freemen for the use of part of the Common for a car park for a period of up to 2 years (Doc.4-p288), together with an amendment to para 1.1.9 of that consent (Doc.12) to require reinstatement within 9 months, has been given and only the commencement date remains to be signed, when this is known.

Public use of The Sands

4.3 The public have a right of access to the Common for '*air and exercise*' under Section 193 of the Law of Property Act 1925. This does not include organised games or any activity that could otherwise damage the commoners' rights to herbage. It is accepted that the works would involve some encroachment onto common land and would, to a certain extent, interfere with the rights of air and exercise. However, the Freemen have taken the view that the temporary works would not interfere with those rights as they are presently exercised. The considerations towards the public should relate to their use of the Common and no weight should be attached to the effect on their houses or their movements off the Common.

4.4 The Common is used mostly by people living close to The Sands and some visitors to the area. The one-off Easter fair and the circus could take place on the remaining land and would be unaffected by the proposal. The predominant day-to-day use is by individuals, mainly dog walkers, with larger parties such as picnickers and those taking part in informal games using it on fewer occasions (Doc.8 – app. A). In winter it was accepted that this use is not enough to leave marks in the grass. In summer the shorter grass is not worn down to bare soil as the users are spread out over the entire area. This is evidence that there would be sufficient land remaining open to meet any foreseeable demands for access by members of the public. The footpath crossing the site would also remain open and therefore the health, comfort and convenience of the inhabitants would not be materially affected.

Planning application

4.5 The need for a temporary replacement car park arises from the Council's ongoing commitment to regeneration of the city centre, including the Walkergate site (Doc.9), the implementation of Millennium Commission funding and its commitment to deliver an environmentally friendly and sustainable transport system (Doc.10). In addition, visitors to the City and World Heritage Site contribute over £70 million per year to the local economy and support over 3000 jobs. As they are now unable to park next to the Cathedral and Castle on the peninsular they naturally wish to park as close as possible to Durham's historical centre. Currently this is achieved by providing centrally located car parks, of which Walkergate is key, offering the added benefit of requiring visitors to first walk through the shopping area before reaching the peninsular.

4.6 In considering the planning application for this proposal the Council took account of the objections made on the grounds of its effect on local amenities, flooding, access and highway safety, the Conservation Area and Area of High Landscape Value status of the land, and other Local Plan policies, as well as its future Green Belt designation in the Review of the Local Plan. However, the need for a replacement car park in order to maintain the economic wellbeing of Durham's commercial centre, and its short-term nature, were decisive factors in granting permission. A scoping opinion (Doc.9 – app 2) indicated that no significant environmental effect was likely and no EIA was therefore necessary for the development under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. In any event objections to the scheme based on the propriety of the planning permission, the EIA screening and the past administration of the City are not relevant to this application.

Parking need

4.7 The City and County Councils are implementing a '*Durham Package*' of transport measures, which includes a '*Park and Ride*' system from three sites with 957 spaces and a controlled parking zone with associated off-street parking management (Doc.10 & 13-15). The strategy to reduce long-stay parking in the City is set out in the emerging Local Plan (Doc. 13), which is to be adopted shortly. The availability of parking in Durham has been dynamic recently as the County has introduced on-street parking charges and the city centre has seen significant redevelopment. This period has also seen the introduction of the first road-charging scheme in the country, around the market and the Cathedral areas of the centre. The existing car parks are often full during the peak periods, although Sidegate generally has spare capacity at the weekends, when a car park and shuttle bus from the County Council offices also operate.

4.8 The Draft Plan includes a commitment to the provision of 1616 off-street parking places in the City by 2006. The '*Park and Ride*' scheme will not be operational until mid 2005 and could be delayed by the need for compulsory purchase procedures. In the meantime the current 1532 off-street parking spaces would be reduced to 1132 when the Walkergate development starts. This level of supply is below that considered necessary to retain the economic viability and vitality of the city centre. AMEC has indicated that it intends to begin the redevelopment of the Walkergate site shortly, and in any event, the lease has a '*drop dead*' date for completion of the redevelopment by March 2007, which would force a start at least 18 months earlier.

4.9 The overwhelming thrust of the objectors' case is that the temporary car parking provision lost can be accommodated elsewhere within the area and by management of the existing parking facilities, including on-street spaces. The Applicant's case is that the short-term parkers in the City are usually shoppers or visitors. Proper parking facilities should be provided for them within larger, well signposted car parks to avoid an increase in traffic congestion caused by motorists driving around the City looking for on-street spaces. The proposed temporary Sands car park is close to the city centre and the existing Walkergate site, and traffic movements on the adjacent highway network would be similar, with no '*learning process*' of finding a different new site. The site would also accommodate most of the existing long-term parkers. In addition, it would avoid the likelihood of illegal parking on the roads nearby to the inconvenience of the residents.

4.10 The Council considered several other alternative sites before choosing The Sands (Doc.10 & plan in Doc.4 p304). All but one were rejected on one or more of the following grounds: too remote from the city centre; concerns for pedestrians' safety due to lack of footpaths or lighting in the area; inability of the highway to cope with the extra traffic, and land availability. The Council has continued to pursue the former Sorting Office site, but this alone is not large enough to act as a replacement for the Walkergate site. If the Secretary of State is minded not to grant consent for the original application site then she is asked to consider granting consent for a part of that area, in order to accommodate the smaller car park requirement that would be needed when the Sorting Office site is obtained.

Other supporters of the application

North East Chamber of Commerce - also acting for the Durham City Forum and the general business community of Durham City. The case is set out in document 18.

The material points are:-

4.11 Following the introduction of the road-charging scheme in October 2002 for a small section of road in the city centre and the publicity in both regional and national press, the City witnessed a drop in footfall that impacted heavily on the retail and tourism sectors. This is only now beginning to recover following extensive marketing and promotional schemes. Traders in the city centre are already feeling the impact of new out of town and edge of town developments, which usually benefit from free parking.

4.12 Any loss of car parking spaces in close proximity to the city centre, before suitable alternative spaces are allocated, would have a detrimental effect on both the retail and tourism sectors. The loss would be all the more significant in advance of the introduction of the proposed '*Park and Ride*' scheme and would dilute the positive impact the substantial private sector investment has made to increase footfall.

4.13 Those opposing the proposal place a great deal of emphasis on the perceived problem of long-term parking. Retailers have indicated that their busiest day of the week is Saturday, when long-term parking is said not to be an issue. Yet the car parks remain fully utilised. Independent traders can take up to 70% of overall weekly trade on this day. These traders give Durham its unique shopping experience and would be the first to suffer from any loss of short-term parking in close proximity to the centre. Much of the long-term parking is also required for people employed in the City.

4.14 A recent survey by NWA Social and Market Research indicated that 59% of respondents believed access to Durham was good, but 38% thought parking was poor (Doc. 18). The City also had the lowest overall rating in comparison with other centres in County Durham

and in the north-east beyond in respect of being easy to park a car. Durham was rated most highly for visitor attractions, with 74% of respondents describing those as good. However, only 18% rated the City good in terms of being easy to park, despite almost half of them using a car to travel there.

4.15 In addition to the benefits the Council sees for the use of The Sands car park the Chamber of Commerce emphasises that the land would provide car parking in close proximity to the city centre enabling ease of access to both retail and tourism facilities.

Written support

4.16 Written support comes from about 40 people, together with a petition of 68 signatures. Most of the letters are from, or on behalf of, traders in the city, including Marks & Spencer, BHS, Boots, McDonalds, Millergate and Prince Bishops Shopping Centres and a petition from the Indoor Market Traders. They nearly all echo the views of the Chamber of Commerce that there has been a recent loss of footfall caused by a perceived lack of parking in the City. If the Walkergate car park is lost without suitable nearby alternative in place, then the result would be that shoppers would desert Durham in favour of other local shopping areas, to the detriment of the City traders. The urgency of the situation is also stressed because the existing Walkergate car park could soon close. The Sands is the preferred option for a temporary car park because of its proximity to the existing Walkergate car park and the city centre. The Dean and Chapter of Durham Cathedral also support the scheme because there are fears that the closure of the existing car park would increase congestion within the road-charge area.

5. THE CASE FOR THE OBJECTORS

5.1 Some of the objections made to this application concern what the objectors perceive to be past maladministrations by the Council. These include the granting of planning permission for this proposal, the selling off of existing and the search for alternative car parks, the misuse of funds received for the purchase of Council owned land and the Millennium Project and the common's status of the existing Sands coach and car park and parking bays. These matters cannot be given any weight in the consideration of this application, as this is limited to the requirements of the 1876 and 1925 Acts. They have therefore been excluded from the summaries of cases although they remain in the documents for reference if necessary (Docs.19, 23-27).

5.2 The material points are set out below. Other speakers shared many of the views aired at the inquiry, but for brevity, points made by others are not generally repeated.

Save Our Sands Action Group (SOSAG)

The case is contained in documents 19-22, with additional points made at the inquiry.

5.3 The foremost objection to this application is that it is contrary to the notion of the benefit of the neighbourhood that is implicit in the 1925 and 1876 legislation on common land. However, it is necessary to consider secondary areas of car parking space and alternative car parks in order to demonstrate that the need for The Sands as a temporary car park is not proven. The Action Group also believes the Northern Echo, the newspaper chosen to advertise the Section 194 application, has a low readership in Durham and that the local free newspapers should have been used. Moreover, no notices of the application were placed in the vicinity of The Sands or on the Town Hall notice board. There were similar shortcomings in the consultation about the planning application (see para 15 of the Section 194 application).

5.4 The evidence given at the inquiry about the low level and pattern of usage of The Sands is ludicrous because of the infrequent inspections made. In fact The Sands is the only public open green space left in the City and greatly appreciated by the local community. In the winter its use is naturally more limited than the summer because of the weather. As well as local residents it is used by university students for informal games and by tourists as they wait for their buses. Its many uses include walking, exercising dogs, jogging, picnicking, golfing, kite flying, rounders, Frisbee throwing and patrolling of the riverbank by anglers, as well as firework displays and the annual fair. Its openness and clear boundaries make it a safe place for children to play and lone females to jog, overlooked as it is by the nearby houses and flats.

5.5 The car park would change the character and reduce the size of the open space. It would interfere with the existing footpath and prevent good access to the Common when it is in use. There would be an increase in traffic congestion at the junction of Freemans Place and The Sands (road) as a result of the car park and disturbance to local residents caused by the usage of the car park and the high intensity lighting. The Draft Local Plan is about to be adopted by the Council, but its sections on protecting open spaces, the Green Belt and car parking have been ignored.

5.6 SOSAG notes the amendment to the agreement with the Freemen requiring reinstatement of the land within 9 months of the proposed 2-year usage period. But it is concerned that even if re-seeding takes place in that time any restoration would in fact take decades. Professor Anderson, an expert on geomorphology, considers that the compaction caused by the development would interfere with the future drainage of the site and that the area where the car park had been would always stand out from the remainder of the Common. Flooding would be a problem for the site and the lower residential areas, both during and after the development.

5.7 Detailed surveys have been carried out on the availability of car parking space in the City on a number of occasions (Doc.21). It is accepted that at peak periods four of the five Council off-street car parks can be full to capacity, although Sidegate, the fifth, is nearly empty on Saturdays. It is agreed that the existing Walkergate car park is often full, but the survey showed that 185 of these spaces were used for long-term parking and only 213 for the short-term use that the new Local Plan wishes to encourage. The surveys also showed a minimum of 105 long-stay and 22 short-stay spaces still available daily on and off-street.

5.8 From the above it can be seen that when Walkergate is closed the need for long-term spaces will be 80, assuming that commuters will use up the 105 unoccupied spaces in the nine nearest on-road controlled parking bays. There will also be a need for 191 short-stay spaces. 150 of these could come from the proposed Sorting Office car park. The remaining 41 could be found by converting part of the existing Sands coach and car park into short-stay use. In turn, those displaced would increase the need for long-term spaces to 121. SOSAG propose that the Council further investigate the adoption of the empty Newton's Scrap Yard site, the Durham Light Infantry Museum (DLI) site or the 'racecourse' as a *'Park and Walk'* long-stay car park for these commuters.

The City of Durham Trust

The case is contained in documents 23-24, with additional points made at the inquiry.

5.9 A number of preliminary start dates for construction at the Walkergate have passed. One of the concerns of the Trust is that work could begin on a car park at The Sands in anticipation of construction work at Walkergate, but that the start date of the latter scheme could be

delayed again. The Sands is of considerable benefit to the neighbourhood. It is a flat grassy area on the flood plain of the River Wear and is enjoyed for informal recreation both by local residents and the wider population of the City. A car park would be an intrusive feature in the locality, harming the comfort of the local residents.

5.10 The Trust recognises the need for short-term parking for shoppers and visitors. There are existing car parks nearer the centre for those who carry heavy shopping. In addition, the existing Sands coach and car park should be converted to encourage short-term use only and further short-term parking such as the Sorting Office site sought. This would displace long-term parking to the periphery of the City. When alternative car parks were considered, any disadvantages of those against The Sands proposal should also have been weighed against the benefit of not needing to use The Sands.

5.11 In the Trust's view, the Council has not explored all the alternatives to its proposed scheme, particularly the need to discourage commuter parking in the city centre, which is the stated aim of the Council in policy T13 of the Draft Local Plan. This should include those Council staff with permits who are not essential car users. The Council seems to be saying that criteria 2 (the need to encourage alternatives to the motorcar) and 3 (the need to discourage long-stay parking) of policy T13 would have to wait the introduction of the '*Park and Ride*' schemes. The Trust considers these are reduction measures associated with modal change rather than something to be linked to the future '*Park and Ride*'. Schemes such as car sharing and reducing the number of Council staff permits should be considered now instead of merely comparing the financial advantages and disadvantages of various potential car park sites (Doc.19-SOS1).

5.12 Attention is also drawn to EC Directive 85/337 on the *'Assessment of the Effects of Certain Public and Private Projects on the Environment'*. The 1999 EIA Regulations that the UK has introduced only apply to planning consents. Article 1 and the definition at paragraph 2 of that Directive (Doc. 23 – Trust 4) imply that environmental information must be taken into account before granting *'development consent'*. Grant of consent under Section 194 of the Law of Property Act 1925 constitutes such consent, wholly independently of the planning regime.

Other objectors

Mr W Pattison

The case is contained in document 25.

5.13 Mr Pattison believes that the proposal is unnecessary, untimely, potentially dangerous and likely to create a precedent for a permanent car park on The Sands. It is unnecessary and untimely because a '*Park and Ride* scheme is to be introduced in the summer of 2005 to cater for commuter parking. The proposed 500-space car park, which the Walkergate redevelopment will introduce, is aimed at the short-stay parker. Since a majority of the current Walkergate users are commuters they should be dealt with by the '*Park and Ride*' scheme and not provided with a car park at The Sands. This would merely introduce pressure for a permanent car park for long-term commuters there. To avoid this, in Mr Patterson's view, it is necessary for the Walkergate redevelopment to be postponed until the '*Park and Ride* scheme is available.

5.14 The Council has failed to recognise that the traffic arising from the construction of the multi-million pound development scheme will add significantly to the existing traffic flows. It will also magnify the difficulties of the poor horizontal alignment of the tight bend on Freemans Place, where the egress from the proposed temporary car park would be located.

Furthermore, visibility for vehicles emerging from the car park would be poor (Doc. 25 - Exhibits E-F/ WLP).

Mr N Martin

The case is contained in document 26.

5.15 The £100 per week penalty to the Freemen imposed if the contract with the Council overruns its two-year timescale is meaningless when the car park revenue would be in excess of £3000 per week.

5.16 No commuter should expect, or be allowed to park all day in the city centre, which should be reserved for shoppers and visitors. If the commuters and Council staff were not allowed to park in the centre, then the existing Sands coach and car park and the proposed Sorting Office site would be sufficient to cater for the short-term needs of the City. There are areas suitable for long-term parking within ten mins walk of the centre. The Sands is the last public green space in the City and is protected common land. The Council should never have considered it.

Written objections

Written objections came from about 105 people including the local MP and the Open Spaces Society. The material points are:-

Mr G Steinberg MP

5.17 The Council has failed to effectively plan alternative car parking arrangements prior to the redevelopment of the Walkergate site. Mr Steinberg (Doc. 19 – SOS3) is disappointed that the Council has ignored his suggestions to locate the proposed temporary car park in a less sensitive and more acceptable location. Instead it is pursuing a scheme that is incompatible with the needs of the area and would have a damaging effect on this green, well-used open space. This is a knee-jerk reaction to the problems the Council has itself created and the people of Durham should not be forced to live with the removal of access to this valuable common land.

Other written objections

5.18 Most of the representations reflected the views heard at the inquiry. Additional points raised include: the risk of pollution would increase in the area due to products of exhaust emissions; increased vandalism; noise and lighting from its 24 hour use would disturb local residents; the proposal would undermine the '*Park and Ride*' scheme, which should be brought forward; and the cost to ratepayers would be excessive for a 2-year use, which might then become permanent.

6. APPRAISAL

Legal Issues

6.1 SOSAG alleges that the application was not properly publicised [5.3] because the newspaper used was not so widely read in Durham as the free local newspapers. This is a matter of law, but I would not have expected a free newspaper to be used to advertise the application rather than a regional newspaper such as the *Northern Echo.* I consider the chosen newspaper acceptable for that purpose. I have no conclusive evidence, one way or another, that notice of the application was not posted at the site, the town hall, post office or the door of the church of the parish as Section 11 of the 1876 Commons Act requires. However, in my opinion, from the response to the notice and the attendance at the inquiry, it is evident that sufficient publicity has been given to this proposal.

6.2 I have considered the allegation by the Durham Trust [5.12] and Mr Orr (Doc.27) that EC Directive 85/337 on the '*Assessment of the Effects of Certain Public and Private Projects on the Environment*' should apply to any consent under Section 194 of the Law of Property Act 1925. Again, this is a matter of law, but my view is that this cannot be considered wholly independently of the planning regime because any consent granted for any significant development under this Act would require planning permission and would be considered under the EIA Regulations. Indeed that is the position in this case. Any further consideration would merely duplicate that made under the EIA Regulations.

6.3 Nonetheless, I have re-examined the screening opinion made by the Council when considering the planning application for this site [4.6] & (Doc.9-app2). To my mind this is a straightforward case where the application was properly considered against the Regulations. The site was found to be of a size where a screening opinion was necessary under Schedule 2 of the EIA Regulations, but there was no evidence that it was of any ecological importance and it is not in a sensitive area in terms of those Regulations. Hence the proposed development was not likely to have a significant effect on the environment and therefore did not warrant an EIA. I concur with that view.

Basis of consideration

6.4 Section 193 of the Law of Property Act 1925 gives members of the public rights of access to a metropolitan or urban common for '*air and exercise*'. Under Section 194 of the Act the erection of any building or fence or the construction of any other works whereby access to common land is impeded requires the consent of the Secretary of State. This has been held to include the construction of a car park in *A-G v Southampton Corporation (1969) 68 LGR288.*

6.5 In considering the application the same considerations need to be given to those in the Commons Act 1876, having regard to the '*benefit of the neighbourhood*' as well as '*private interests*' in the land. Account must also be taken of any other relevant factors, including any objections that are lodged. The '*benefit of the neighbourhood*' is defined as including '*the health, comfort and convenience of the inhabitants of any populated place in or near any parish in which the land is situated,*' and is considered in the context of the enjoyment of the common as an open space. The '*private interests*' are defined as including '*the advantage of the persons interested in the common, that is the owner of the soil and the persons entitled to common rights*'. In this case this is the City Council and the Freemen of Durham.

6.6 The Acts do not require that the given consent will be for '*the benefit of the neighbourhood*', but that '*the health, comfort and convenience of the inhabitants and the advantage of the persons interested in the common*' have been taken into consideration. The expression '*benefit of the neighbourhood*' refers to the existing benefit which is to be protected, rather than any additional benefit to be expected as a result of the proposed enclosure. Any such additional benefit should be considered generally in assessing the expediency of giving consent.

Benefit of the neighbourhood

6.7 In my view, the most important existing benefit of The Sands to the neighbourhood is the enjoyment it gives as a public green open space in an otherwise urban area not far from the city centre. Its proximity to the River Wear and the fact that it is regularly mown by the Council results in a flat area of short-green-sward by the riverside that is ideal for walking, exercising dogs and all the other forms of recreation claimed for it by the objectors [5.4]. Their argument, that it is the only public green space available locally [5.4 & 5.16], was not challenged by the Council. The openness of The Sands is also important from a security aspect. Individuals, particularly children, can safely use the Common, separated as it is from the road by the low perimeter fence, whilst remaining in full view from the neighbouring houses and flats [5.4].

6.8 I cannot accept that the inspections by the 'Grass Man' (Doc.8-appA), whose weekly visits usually occur at the same time on a Wednesday afternoon, with additional visits for the purposes of this inquiry made in the depths of winter, is evidence that The Sands is infrequently used. Regular visits at the weekend and in the early morning and evenings during the warmer months would be necessary for any formal assessment of use. In the absence of this I prefer the view of the many objectors who consider it well used, and my own observations. I saw for myself that whilst the grass generally remained unmarked this winter [4.4], this is not the case for the area closest to the river, where a well-worn track is clearly visible from its constant use as a riverside path. In addition, the evident enthusiasm the 'Grass Man' shows in protecting the unexercised herbage rights from organised games (Doc.8) would help prevent any serious damage to the grass from recreational use in the summer or winter.

6.9 I consider that the open space also contributes greatly to the character and appearance of the area. One only has to compare the Common with the neighbouring coach and car park to see how the appearance of the locality would become more urbanised and busy and the river bank less inviting than the more tranquil green open space that The Sands provides [5.5]. If consent is granted for the proposal then the urbanised appearance of the existing coach and car park would extend into The Sands and it would become less appealing as a recreation area, as well as smaller. I have no doubt that this would adversely affect the comfort and convenience of inhabitants of the neighbourhood.

6.10 Under this proposal access to the western part of the Common would be impeded by the proposed boundary closures along the northern and eastern boundaries of the car park [3.2] and by the cars themselves, although arrangements would be made to retain the route of the footpath between the parking bays. More than a third of the Common would be lost as an open space if the proposal were permitted. This loss would appear even greater because a narrow section along the river would be retained for riverside access behind the car park and would no longer be seen as part of the larger open space.

6.11 The loss of any benefit to the neighbourhood is also dependent upon the length of time that access to the part of the Common affected would be impeded. Many of the residents fear that the proposed car park would become permanent [5.18] like the existing coach and car park and the lay-by along The Sands (road), both of which were once part of the Common. Others point to the low £100 per week penalty if the contract overruns compared with the income from the car park [5.15]. These fears were allayed to some extent at the inquiry by the amendments to the application to emphasise the 2-year temporary period [1.2] & (Doc.5) and the agreement with the Freemen to require reinstatement within 9 months of the end of the consent period (Doc.12). I see no ulterior motive on the Council's part in this application because it has readily accepted suggested amendments to tighten any consent and knows that any overrun would be unlawful and require further consent. In any case there would be no further need for the car park once the proposed Walkergate multi-storey car park is constructed.

6.12 Nor would there be any reason to start the scheme now in advance of the Walkergate site closing, as the City of Durham Trust fears [5.9], because the 2-year temporary consent would still apply. Conversely, the possibility that the existing 400 space Walkergate car park could close before consent is obtained for this proposal must be a much greater worry to the Council. I agree that if the Walkergate redevelopment could be delayed until the '*Park and Ride*' scheme is introduced in June 2005, as Mr Pattison wishes (5.13), there would be no need for the temporary car park. This is because the short-term users could be accommodated on the existing Sands car park and the proposed Sorting Office scheme and the commuters could use the '*Park and Ride*'. But the start date of the Walkergate scheme is outside of the Council's control [4.8]. In addition, compulsory purchase requirements could still delay the commencement of the '*Park and Ride*' scheme [4.8].

6.13 I do not believe that the drainage of the site would be significantly affected by compaction from its usage as a car park to the extent that a long period of time would be required for reinstatement [5.6]. Sands and silt depositing on the bend of the river have probably formed 'The Sands'. In my experience, these types of features are likely to be more permeable than most soils. Provided the aggregates are removed and suitable topsoil returned I see no reason why the Common cannot be returned to recreational use fairly quickly. In any case this is something that the Council can readily test before reinstatement and remedy if necessary by the installation of land drains or other measures.

6.14 I acknowledge that the outline of the car park on the grass might take much longer to fade away [5.6], but not that this would materially affect the benefit to the neighbourhood. In this respect I note that there is no longer any visible evidence of the former buildings that were once on part of the site (Doc.7). Some of the Council plans (Doc.4 p300.1) also appear to show an area of previous restoration next to the coach park, of which I saw no visible signs on my site visit.

6.15 Even if the temporary car park is in use for only 2 years SOSAG is concerned that the overall time period for the loss of benefit to the neighbourhood would be much greater than this [5.6]. I agree one must add the construction period and the reinstatement period to this 2-year use. The reinstatement is likely to take much longer than 9 months because the grass seed needs to grow sufficiently for the Common to be used for recreation again. Overall I consider the benefit of the neighbourhood would be adversely affected for about 3 or 4 years.

Other objections

6.16 The application site includes land opposite flats and houses on The Sands (road). I have sympathy with those who live there who complain that the car park and lighting would be an intrusive feature in place of the current green open space. They also feel that the noise, fumes, litter and disturbance from its 24-hour use would be detrimental to their health, comfort and convenience [5.18]. The site would be less than 20 metres away from this housing and some disturbance would be inevitable, in my view.

6.17 The claim that the proposal would lead to an increased flooding risk to nearby properties, both during and after use [5.6] is not reflected in the *Flood Risk Assessment* (Doc.4 p42) and I can see no reason why the risk would increase. The surrounding embankment originally proposed is no longer part of the scheme, the ground level of the car park would remain unchanged from the existing land and the plans indicate that surface water from the site would drain to the river. I acknowledge that the site lies in the floodplain and that flooding could still occur, but the Environment Agency seems satisfied that the risk is acceptable and has withdrawn its objection to the scheme (Doc.4 p40).

6.18 Mr Pattison says traffic from the construction site would add to the existing traffic flows and the heavy traffic may have difficulties rounding the tight bend on Freemans Place [5.14]. However, this is something that will occur regardless of the outcome of this application. With regard to the visibility for vehicles emerging from the access, the speed of traffic is necessarily slow as it approaches the bend. It was clear from my site visit that visibility at the exit point would therefore meet the minimum visibility distances for accesses set out in *'Places, Streets and Movement – A Companion Guide to Design Bulletin 32'*.

The private interests

6.19 The private interests in The Sands are those of the Freemen and the City Council. The Freemen do not exercise the herbage rights on the Common and have undertaken to allow the Council to use it for public recreational purposes [2.2]. The consent that they have now given to the Council for the use of part of the land, as a car park, on a temporary basis, would result in an additional income to the Freemen, but any profit that they make is to be distributed to charity [4.2]. The Freemen are also in the main, time-served apprentices and are anxious to assist their fellow traders in the City (Doc.7). If consent is not granted for the car park there is a concern that people would shop elsewhere and that there would be a significant downturn in trade in the City as a result, to the detriment of the traders and the Freemen.

6.20 As the landowner the City Council's aim in promoting the use of The Sands as a car park stems from its responsibility for the proper administration of the district, including the provision of off-street parking [4.1]. I understand its concern that when the Walkergate redevelopment occurs, without a temporary replacement car park, there would be a significant under-provision of off-street parking in the City with a consequential increase in traffic congestion and damage to the local economy [4.9]. The Chamber of Commerce and other supporters also emphasise the vulnerability of the City economy to any further restriction of short-term car parking [4.11-4.16]. I agree that this may well stem from the public perception about the lack of parking spaces in the City arising from the nationally publicised road-charge scheme in the city centre [4.11]. Both the Freemen and the Council consider that if the car park is allowed sufficient space will remain on the Common to meet

current usage for public recreation and their obligation to provide this will continue to be met [4.4].

Parking options

6.21 The Council's plan to use The Sands as a car park is questioned by the objectors. They acknowledge that there will be a need for alternative parking arrangements when the Walkergate redevelopment commences, but have suggested alternative parking sites and management [5.8]. I can understand why the Council believes the Common to be the best site for a car park. It is in Council ownership and is close to the city centre and the Walkergate car park it would replace. It would therefore retain a similar pattern of traffic movements in the streets surrounding the city centre. There should be no more serious traffic congestion as the objectors' fear. There would also be access to the Cathedral bus service from the adjacent coach park. However, although the Council has considered a number of alternative sites to The Sands (Docs.4 p24, 10, 11, 19-SOS1), none of the reports I have seen weigh the impact of the development on the Common, or its benefit to the neighbourhood, against the advantages of using the site [5.10].

6.22 It was agreed at the inquiry that 400 off-street spaces of the current 1532 spaces in the city centre would be lost as a result of the temporary closure of the Walkergate site and there may be an additional demand for spaces from the contractors on the development site. The Draft Local Plan aims to achieve 1616 off-street parking places by 2006, when the Walkergate multi-storey car park becomes operational, a similar level to 1996 and about 100 less than in 1999 (Doc.10). This should be compared against the 1477 spaces that would result from the replacement of the existing Walkergate car park with the 345 spaces on the application site. I have taken this lower figure as the lowest number that the City Council considers acceptable in the short-term.

6.23 SOSAG uses figures from surveys that it has carried out that purport to show that even when the existing Walkergate site is full there is a continued availability of about 127 car parking spaces in the city centre on and off-street [5.7]. However, in my view, this might not be so at peak periods. Both SOSAG and the Durham Trust also demonstrated from further surveys that nearly half of the users of the existing Walkergate car park are long-stay commuters [5.7], and that many of those are Council employees [5.11]. This discovery sparked an alternative suggestion from the objectors that when the Sorting Office site becomes available, this and the existing Sands coach and car park could be used for short-term parking and essential Council users only. The existing long-term parking in Walkergate could then be replaced by an alternative '*Park and Walk*' car park further from the city centre [5.8]. If an alternative site could not be found then parking should be allowed to be displaced to on-street parking on the City outskirts [5.10] until the '*Park and Ride*' scheme becomes available.

6.24 In my view, the first of these counter proposals has some merit because it would achieve the Council's stated aim on new city centre car parks in policy T13 of the Draft Local Plan. This stresses the need to take account of their effectiveness on the vitality and viability of the city centre and to discourage commuter parking there. I also agree that the Council should start now to encourage alternatives to the motorcar (policy T13(3)) by introducing shuttle buses for Council staff and car sharing schemes when the Walkergate site closes rather than waiting for the introduction of the '*Park and Ride*' scheme [5.11].

6.25 The main drawback to the first counter proposal is that none of the sites the objectors have proposed are thought to be suitable by the Council, because of their distance from the centre, poor access and highway safety or non-availability of the land [4.10]. Even so, it

seems to me that the best of those listed [5.8], the Newton's Scrap Yard site, has some potential for temporary long-term parking if a shuttle bus service could be provided. But the site is not owned by the Council and would require planning permission. The 'racecourse' site has similar restrictions. The alternative DLI site acts as an overspill car park for the County Council offices and it is not clear to me what capacity, if any, could be made available. For these reasons I cannot consider any of these sites as an available alternative option to the application site.

6.26 Notwithstanding this, the alternative sites have not been considered by the Council for long-term parking only. I believe that, in the event of the Secretary of State refusing this application, the Council would have to review that option in the light of the reduced parking need when the Sorting Office site becomes available. In that eventuality, both the use of that site and the existing Sands site should be reconsidered for short-term parking only, coupled with a shuttle bus service for commuter parking for up to 200 cars at one of these outlying sites. Account would also need to be taken of the likely availability of the *'Park and Ride'* scheme in June 2005.

6.27 The second option of simply allowing parking to be displaced to on-street sites on the City outskirts is exactly the same as the position the Council would find itself in if this application were refused. But I consider that this option, apart from inconveniencing commuters, would result in an increase in traffic congestion, as the Council suggests, as vehicles circulate around the City looking for parking spaces [4.9]. It could also result in an increase in illegal parking, on the roads around the city centre, which would lead to further traffic congestion and an inconvenience to residents. *For these reasons I shall not recommend it.*

Reduced area scheme

6.28 The Council says that it expects to sign a contract with the County Council, the owner of the former Sorting Office site shortly and that the site now has planning permission [3.3]. There is thus no legal obstacle to the acquisition of the land, which can accommodate about 150 cars. In the event of the Secretary of State not being minded to grant consent for the whole of the application site the Applicant asks her to consider doing so for part of the area [4.10] in order to accommodate the smaller car park that would then be required. This reduced area scheme (Doc.4 p301) would only entail the use of about half of the application area and the widest part of the land would be retained as part of the Common, as would the footpath, whose route would be unaffected. This is also the area immediately in front of the flats and houses and so the additional disturbance and inconvenience to the residents would be minimal compared with the larger scheme.

6.29 The need for the currently proposed parking area will be considerably reduced when the Sorting Office site becomes available and the reduced area scheme proposed is a more attractive option for the reasons I have explained. Importantly, it would also mean less than 20% of the Common being lost for recreational use. I find that it would result in a more acceptable scheme having regard to the benefit of the neighbourhood and the interests of the Council and Freemen. In the unlikely event that the Sorting Office site does not become available I consider that the reduced area scheme would still be a better alternative. It would make a significant contribution to the short-term parking needs of the city centre, whilst preserving the widest part of the Common for the benefit of the neighbourhood. I therefore intend to recommend that this option be adopted.

7. CONCLUSIONS

7.1 I have considered the existing benefit of the neighbourhood of The Sands and other objections to this application as well as the private interests in the land, as required under the Commons and Law of Property Acts. The issues are fully balanced. If consent were granted for the application as it stands, access would be impeded to more than a third of The Sands for a period of what is likely to be 3 or 4 years and result in the loss of that area for recreational use and as a green open space. Furthermore, the car park would cause disturbance to the residents whose dwellings overlook the Common. When the Sorting Office becomes available it would also result in a surplus of about 100 car parking spaces compared with the current provision. On the other hand it would allow the Council to provide needed car parking as part of its duty for the proper administration of the district and would benefit the City traders and therefore the local economy.

7.2 If consent is refused then the existing benefits of The Sands would be preserved and the under-provision of car parking would cause inconvenience to motorists, traffic congestion and possible damage to the local economy. However, the Council could reduce the impact of this by ensuring that the limited car parking available in the city centre is short-term and therefore benefits shoppers and visitors. It could also further investigate alternative long-term parking at outlying sites for commuters to use before the '*Park and Ride*' scheme becomes available.

7.3 I conclude that if consent were granted for the application site for a car park, the harm that would result to the health, comfort and convenience of the inhabitants of the neighbourhood would outweigh the advantages gained by the Council and the Freemen. I therefore intend to recommend that consent be refused for the application site as it stands.

7.4 The alternative reduced area scheme the Council has proposed would impede access to a smaller part of The Sands and have an adverse impact on its recreational use by local residents for a time. However, residents overlooking the Common would not be disturbed. Its use as a car park for a temporary period of up to 2 years would meet the Council's need to reduce the shortfall in parking space and ease the traffic congestion expected when the Walkergate redevelopment occurs. This would also be to the benefit of the local economy and the community as a whole. I conclude that, in the short-term, the Council's need for this reduced area of land for parking outweighs the benefits to the neighbourhood that the common land provides.

8 RECOMMENDATIONS

8.1 I recommend that consent under Section 194 of the Law and Property Act 1925 for this application be granted for a temporary period of up to 2 years for part of the works, namely a reduced area of approximately 0.5 hectares of common land shown on the plan in Doc.4 p301. The use shall be for replacement car parking to include access, surfacing and lighting. I further recommend that consent for the remaining 0.45 hectares of land shown on the application plan be refused.

D J Tester

Inspector

APPEARANCES

FOR THE APPLICANT: - DURHAM CITY COUNCIL:

Miss N Allen of Counsel	Instructed by Mrs L Blackie Director of Legal Services Durham City Council
She called:	
Mr R Norris	Chairman of the Trustees of the Freemen of the City of Durham
Mr H Atkinson	Chairman of the Wardens of the Freemen of the City of Durham
Mr A Armstrong MSc ChTP TP Dip MRTPI	Head of Regeneration Durham City Council
Mr C Nichols BSc CEng MICE	Head of Technical & Support Services Durham City Council
Mr W McVicker BSc CEng MICE	Section Manager Highways Management Division Durham County Council
Mr P Herbert	Senior Planning Officer Durham City Council

OTHER SUPPORTERS:

Mrs M Rigg	Area Manager North East Chamber of Commerce

OBJECTORS:

Mr D Williams – he gave evidence and called:	Hon Secretary Save Our Sands Action Group (SOSAG)
Mrs A Portwine MRTPI	Local resident
Prof E Anderson PhD Geomorphology (2)	Local resident
Mr N Barton	Local resident
Mr M Chadwick	Local resident
Mr R Cornwell	Chairman City of Durham Trust
Mr W Pattison CEng FICE	Local resident
Mr N Martin	Local resident

DOCUMENTS

Document	1	List of persons present at the inquiry
Document	2	Copy of notice of application
Document	3	List of about 105 objectors' letters and 40 letters + petition of 68 of support in response - cross referenced to Council's documents (letters on file)
Document	4	Folder of Council documents (red) – sections 1-16 (304 pages)
Document	5	Amendment to application – handed in by Miss Allen on 25/3/04
Document	6	Opening submissions by City Council
Document	7	Mr R Norris' proof of evidence and appendices RN 1-5
Document	8	Mr H Atkinson's proof of evidence and appendix A
Document	9	Mr A Armstrong's proof of evidence and appendices 1-2
Document	10	Mr C Nichol's proof of evidence
Document	11	Mr W McVicker's proof of evidence and appendices 1-3

Document	12	Amendment to legal agreement with Freemen
Document	13	Extract from Draft Durham Local Plan (April 2004?)
Document	14	Durham City Travel Study
Document	15	County Durham Local Transport Plan – Durham City Package (July 2000)
Document	16	Local Transport Plan – Annual Progress Report July 2003
Document	17	Closing Submissions – Durham City Council
Document	18	Mrs Rigg's proof of evidence
Document	19	Mr D Williams' (SOSAG) amended proof and appendices SOS1-4
Document	20	Mrs Portwine's proof
Document	21	Mr Chadwick's summary proof
Document	22	Mr Williams' final submissions
Document	23	Mr Cornwell's proof and appendices Trust 1-4
Document	24	Mr Cornwell's final submissions
Document	25	Mr Pattison's proof and exhibits E-F/WLP
Document	26	Mr Martin's proof
Document	27	Mr Orr's letter of 23/3/04 and statement and appendices 1-20

PLANS

Plan	A	Application plans (location plan 1/5000 and site plan 1/1250 both dated 9/3/03)
Plan	B	SOSAG – parking plan (SOS5)
Plan	C	Temporary car park proposals. The Sands – 23/10/03

PHOTOGRAPHS

Photo	1	Flooding on The Sands June 2002 – (appendix 4 to Mr William's proof)

Video *'This is The Sands'* from Mr Williams

From: Chris Allen [redacted]
Sent: 05 November 2019 20:19
To: Davis, Rob <rob.davis@planninginspectorate.gov.uk>
Subject: The Sands Durham City COM/3236108

Dear Mr Davis
Thank you for sending me a copy of the Applicant's Statement in response to objections to the above.
I would make two points.
Firstly, yes, I wish to maintain my objection.
Secondly in view of the Applicants response to the objections I would make two points:

1. It is, at best, disingenuous of the Applicant to claim that many of the objections to the Deregistration of the Common Land are a 'back door' way of continuing to object to the development of the adjacent County Hall for which DCC has already granted planning permission to DCC. In the view of the 'Public' this is one development and those who objected to the development of the County Hall were at the same time objecting to the deregistration of the Common Land and continue to do so. I objected then and the granting of planning permission for the County Hall does not change my objection to the deregistration of the Common Land.
2. I raise again the original point in my objection which I do not believe DCC has addressed. Extensive work has been undertaken on the Common Land by DCC. That is self evident. I understand from the Planning Inspectorate that DCC did not have and does not have the required permission to undertake these works. If this is the case I find it simply astonishing that this has happened and feel it is essential that the Planning Inspectorate sanctions DCC for what, to a member of the Public, appears to be a cavalier disregard for Planning Requirements by the body charged with upholding them across County Durham. Or, please explain to me why the work undertaken does not require the permission of the Planning Inspectorate.

Mr C.M.J.Allen

TRINITY
BARRISTERS

8 November 2019

Common Land Casework Unit
The Planning Inspectorate
3A Temple Quay House
Bristol
BS1 6PN

Dear Sirs

RE: APPLICATION UNDER S.16 COMMONS ACT 2006 – THE SANDS, DURHAM

I am instructed under Public Access jointly by the Freemen of the City of Durham ("the Freemen") and the City of Durham Parish Council to object to the application to de-register Common Land at The Sands Durham ("the Application"). This letter is in rebuttal to the Council's (undated) statement under reference NC/14195.

The Freemen and Parish Council would wish to reiterate their grave concerns that not only is the Release Land enclosed by fencing, the Council has now permitted the contractors Keir (not a statutory undertaker) to use the Land as a Site Compound. This displays a blatant disregard for the Commons legislation and the rights of the Freemen and public to use this land
The Council's continual and blatant disregard of the public and quasi public rights over the Common Land make its assertion at paragraph 2.11 that it has no intention of eroding the balance of The Sands Common (whatever that means) wholly unreliable. Put simply the Council cannot be trusted to act in the interests of the public with regard to the Common Land.

In rebuttal to the Council's statement, its paragraph numbering is adopted.

As to paragraph 2.1 the basis of the objection made by the Freemen and PC is to safeguard common rights on the Land. The suggestion of a "central theme" of opposition to the HQ Project is fantasy. There is no mention of the merits of the HQ in the objection and to characterise it as such is deliberately misleading. Paragraph 2.17 should be amended to accurately reflect the position and objector 9 removed from this list.

Further the Freemen and PC as custodians of the commoners and public interest are actively engaged with Andrew Megginson (Stakeholder Engagement Leader) to mitigate any impact on public rights during the construction period.

The Objectors welcome the Council's confirmation and acceptance that the Coach Park is an unauthorised use and the Replacement Land is uphill and less accessible to residents of Durham City.

BARMARK

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It is important to properly grasp the history and context of the common land at The Sands. The Freemen status dates back to the 11th century and has been exercised continually since then. The Freemen have during this period elected not to exercise herbage rights and made decisions to permit temporary uses, including the Ordnance Depot and Coach Park, on their merits at that point in time. These are decisions for the Freemen as custodians of the land and it is not for the Council to comment upon them in pejorative terms. In the context of rights going back at least 900 years, if not to time immemorial, such uses for say 80 years are temporary and reversible.

As to paragraph 2.2 the Freemen do assert these rights which are reflected in the Indenture of 18 September 1850 in the following terms –
WHEREAS the said Mayor Aldermen and Citizens are under and by virtue of the said recited Indenture of lease seised of the soil and freehold of the said several tracts plots pieces or parcels of ground but the Freemen of the City of Durham are entitled to rights of common thereon for all commonable cattle as the said persons parties hereto do hereby acknowledge and declare.

On that basis a proportion of the rents and profits of buildings on the common land and compensation for injury to the herbage caused by public fairs were paid to the Freemen. This position is also reflected in the letter of 18 March 1968 from the Clerk to the Freemen whereby it was recognised that the herbage rights "are completely unrestricted" and the Freemen "are not limited as to numbers".

As to paragraph 2.3 – in discussions with the City Council the Freemen requested the Royal Ordnance site and the adjoining ancillary car parking land to be returned to grass. This request was overtaken by events at that time and a lease granted for the Coach Park. The remaining section was returned to grassland as requested. The Freemen will give evidence to this effect to the Secretary of State.

As to paragraph 2.5 the Council are required to prove that the exchange is in the public interest. It is the Council which constantly and repeatedly seeks to rely on the purported benefits of the new HQ to outweigh the admitted harm from loss of the Release Land. It is plain that the purpose of the application is to free up the release land for redevelopment [1] and the Council assert that the benefits of the new HQ are so significant as to outweigh the (now admitted) harm to the common rights[2]. These are material matters before the Secretary of State as decision maker and should be explored by way of a public inquiry.

As to paragraph 2.6 the letter of 18 March 1968 clearly states the buildings are temporary and the rights of herbage will revive in the future. This is still the stated position of the Freemen some 50 years later.

[1] 1.2
[2] 4.1

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As to paragraph 2.8 the functional use of the car park in the present and the return of the land to herbage in the future are not exclusive. As a matter of fact, the Lumiere event is not wholly funded by the Council, it has other private sponsors. The relevance of this point is not understood in any event. The fresh assertion that the car park will not be private but rather open to the public on evenings and weekends is not borne out by the evidence submitted with the planning application. In any event this Council regularly changes its position, and ignores commons legislation, and the application should proceed on the basis that this will be a private car park, absent any legally binding position to the contrary.

As to paragraph 2.10 the Council admits at paragraph 2.13 that the Replacement Land is less accessible to residents of Durham. In any event there is no parking at Aykley Heads and the whole access road from the roundabout to the land, approximately 800m, has double yellow lines on it. This cannot possibly be described as an accessible location.

As to paragraph 2.11 the assertion that international visitors to Durham will walk away from the historic core and views of the Cathedral and Castle, up the hill to the Replacement Land is fallacious.

As to paragraph 2.14 the Council is correct in that there is a road adjacent to the Replacement Land. However, this has double yellow lines for 800m and no space for the safe and commodious unloading of stock. Further the land is a nature reserve for ground nesting birds and used by Great Crested Newts. In practice it would not be available for grazing at all and this is admitted by the Council in paragraph 4.5.2 of the Application statement. This is a highly material consideration under s.16.

Paragraph 2.15 asserts that more than one access to the land will be made. This directly contradicts the Councils claim that the nature conservation interest of the Replacement Land will be ensured by "provision of a single access point".

As to paragraph 2.19, this touches on the PC objection. The fact that the remainder of the common land is available for recreation carries no weight. The County Council has shown scant disregard for the public interest throughout this process and cannot be relied upon to understand or articulate what impact this application will have on the local residents, visitors and commoners' rights.

As to paragraph 2.21 and 2.22 this exemplifies the Councils untenable position. It finds the "requirement" for this land for parking as paramount and disregards the public interest as being satisfied by the remainder of the common land. The Council's Open Space Needs Assessment (OSNA) shows a lack of open space in the Durham city area. Notwithstanding the Replacement Land is already identified as Accessible Natural Green Space in the OSNA. If the land is already publicly accessible then it cannot qualify as Replacement Land. It should be noted that there are clearly worn paths crossing the land which are indicative of public access. The Police at Aykley Heads have noted that this land is in public use and this should be clarified. The objectors will rely on the OSNA, correspondence and photographs in evidence.

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The assertion at paragraph 2.20 that the Council has an intention to "affect an appropriation in order to align the Replacement Land with its new Common Land status" is not understood. The council is asked to explain this statement.

It should be noted that the Council has comprehensively failed to address the major tenet of this objection that the Release land is not necessary for the HQ project and the spurious public benefits claimed by the Council are not relevant to this Application. In fact, the loss of amenity already arising from the HQ development and the felling of 150 trees is such that the Parish Council is seeking agreement from the Freemen for significant re-planting on The Sands to mitigate this loss.

There is a general point to be made at this stage. The Council's statements of case are riddled with inconsistencies, lack of evidence and unfounded assertions. The only way in which this Application can be properly decided is by way of a public inquiry where evidence can be heard and tested.

It should be noted the Council agree that the Coach Park is an unlawful use (absent any consent under s.194) and therefore the Secretary of State should disregard this use when assessing the merits of the proposed exchange. The Application will be considered on the basis that the Release Land is part of the common and properly available for public use[3]. Therefore, the Council's case for example at paragraphs 2.19 is wrong in law and no weight should be attached to the Coach Park use.

On a proper understanding of the evidence and relevant law the Council's case is unarguable. The Freemen and the PC therefore invite the Council to withdraw the Application and not waste public resources in pursuing it in the face of overwhelming objection from those with common rights.

If the Application is not withdrawn and the Council persist, then the outstanding objections of the Commoners and other with rights (including the neighbourhood and members of the public generally) should properly be considered by an Independent Inspector at a public inquiry.

Yours faithfully

[redacted]

[3] See Common Land Consents Policy November 2015 §5.5

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From: Dennis Findley
Sent: 31 October 2019 13:12
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>
Subject: Fwd: Common land at Sands car park.

This is our common land bing used illegally
It's all so wrong
DG Findl y

Sent from my iPad

Begin forwarded message:

From: Janet George
Date: 31 October 2019 at 11:50:54 GMT
To: [redacted]
Subject: Fwd: Common land at Sands car park.

By the way - health and safety? The council have admitted it was to be a site compound all along. Now has this.

Janet

Get Outlook for iOS

From: J COWAN [redacted]
Sent: Tuesday, October 29, 2019 11:04:11 AM
To [redacted]
Cc: [redacted]
Subject: Common land at Sands car park.

Good morning Janet,

We now know why the concrete blocks, in 32 sets, were laid out on the common land adjacent to the Sands car park in the centre of Durham City; to facilitate a two story 'office block' for the Kier Group during the construction of the new County Council HQ on the flood plain adjacent to the River Wear. The new temporary office block, on the common land, is raised off the ground, presumably to guard against the possibility of flooding!

The references to a 'green' agenda, on the end of the new building and on the hoarding surrounding the building site is ironic, following the felling of a very large number of trees is full of irony, we may all agree!

I'll forward the 'birds eye' view following my next flight over the 'City.

Very best regards,

Tony

[redacted]






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SUSTAINABLE GREEN
TRAVEL TO THE CITY

From: Dennis Findley [redacted]
Sent: 31 October 2019 11:35
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>
Subject: Response from Durham County Council re Common Land

The response states that the replacement common is less conveniently acceptable for some.
It is completely unacceptable for the Sands Neighbourhood.
To reach the replacement land would take almost an hour to reach and will be an uphill walk which is completely unacceptable to me.
I repeat I have used the right of the Common Land at The Sands for 40 years.
The fencing off of the Common Land, subsequent works and erection of containers has been illegal.
The Common Land is not required for the building of the new Headquarters solely for parking use by Councillors and Chief Officers.
It is not necessary to use the land for parking as opposite there is open area car parking spaces and either side of this there will be two multi storey car parks Convenient for any users of the Headquarters.
The Council refused car parking spaces in the two new developments adjacent I.e. The new National Savings Building and the new Passport Office it should accept the same conditions for the new Headquarters.
Regards DG and A Findley

From: Janet George [redacted]
Sent: 02 November 2019 20:28
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>
Subject: Re: Deregistration of common land - The Sands

Dear Mr Wassenaar

Thank you for your e mail below, please find the response from St Nicholas Community Forum below.

Thank you for sending the response to objections from Durham County Council re the common land at The Sands.

St Nicholas Community Forum would like to make the following points.

2.3 While Durham County Council say there is no document in their possession regarding the returning to grass of the land in question, to return it to grass would have been common standard practice and it is disingenuous to argue they were not expected to do this because they were not explicitly instructed to do so.

I would like to state that Durham County Council do not hold all relevant documents and have admitted this, see my second e mail re SNCF response to the response by Durham County Council to objections to de-registration of the Common Land, The Sands, Durham.

2.5 The applicant may state they may not be required to demonstrate a need for their proposed car park but they do have a moral obligation to do so.
There is an existing car park within 100 yards of the HQ site.
They plan to build a further multi-storey car park within 100 yards of the proposed HQ site with dedicated Council staff parking.
Durham County Council claim to be active regarding climate emergency and have a moral and ethical duty to lead by example by increasing greening of the City and reducing carbon emission and traffic congestion.
Durham County Council stated during their planning application for the HQ at The Sands that staff would not use their cars therefore there is no need for a further car park on the Common Land.

2.10 Durham County Council claim their proposed release land is 'extremely accessible'. That is absolutely untrue. We have already submitted previous evidence regarding time of walking and gradients of the walk - at least 30 minutes on foot when walked by a fit person and in parts steeply uphill and requiring negotiation of cobbles and steps. Impossible for those with limited mobility, child buggies and the like.
Durham County Council are currently constructing road access at the furthest part away from the City (Aykley Heads) so that it may claim accessibility - this would be only if a person were to drive by car to this place. A car journey to this place would be 10 minutes and require driving across and through the City.

2.23 Durham County Council claim wildlife would not be displaced from the site in question, this is completely untrue. Pictures we have previously submitted show the rich density of

trees surrounding the land. This was an established nesting and roosting place for birds, a recognised bat corridor and a rich area supporting native ecology, hedgehogs, insects, plants etc. Otters had been recently sighted in that area. Please see third e mail.

2.26 Durham County Council claim Commoners were not interested in exercising their rights. Local people and visitors did exercise their right to roam on that land every day and it was well used. To make this claim and the others in the Council response demonstrates a clear lack of understanding of local life and indeed we query just how well acquainted the authors of the response really are. We would back this statement by noting that we are now seeing come true all concerns raised by objectors to the project, demonstrating those driving the plan have little depth of knowledge of the area.

SNCF would like to comment that Durham County Council and Kier claimed their reason for fencing off the Common Land was for 'Health and Safety reasons'. They have since admitted at meetings that the real intention for doing this was to use the land as a site compound. Please see attached photograph of site office now erected. Both parties have changed the use of this land unlawfully and without permission and have done so in the full knowledge that it is unlawful, something they choose to ignore.

They have also knowingly misled the public regarding their intention for the land as a site compound.

Yours sincerely
Janet George
Secretary St Nicholas Community Forum.

From: [redacted]
Sent: 29 October 2019 20:32
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>
Subject: RE: Deregistration of common land - The Sands

Dear Sir/Madam

Yes I still object and would like it maintained

1 yes the land was used as a coach park during the day inviting people to our great city but late afternoon or early night the land could be used to play with the dogs kick a ball around with the kids especially when the field next door was wet and was great to access the riverbank.

Now its blocked off and loads of shipping containers on it and is no longer accessible as common land and once again the council do whatever they want

Is this legal ?

Christopher harbron -hall

From: Miriam Johansen [redacted]
Sent: 05 November 2019 11:21
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>
Subject: RE: Deregistration of common land - The Sands

Hi Will,

I have read the applicants responses and am concerned that in some cases the responses are just not true.

The applicant deliberately ignores the fact that the land currently serves more than one purpose; coach park, public access route to river banks, wooded wildlife haven. My wish is that this land continues to be accessible by all and we maintain our precious open spaces particularly in urban areas – turning this over to DCC to be used as a carpark for the new HQ will not achieve this.

I continue to be horrified to see trees removed from the land in question and the area covered in double stacked contractors cabins – how can this be acceptable?!? The fact that DCC has achieved (by dubious method) planning permission for the adjacent land does not men that this land should just be handed over.

I do not withdraw any of the previously outlined objections.

Kind regards,

Miriam Johansen

Contact: Jill Errington, LAF Secretary
Tel: [redacted]
E-mail:

LOCAL ACCESS FORUM County Durham

Common Land Casework
The Planning Inspectorate

15 November 2019

Dear Sirs

PROPOSED APPLICATION TO RELEASE COMMON LAND (CL29) AT THE SANDS, DURHAM CITY AND PROVIDE REPLACEMENT LAND EAST OF RIVERGREEN CENTRE

I refer to your email dated 29th October enclosing a copy of the applicant's response to representations received in connection with the above application.

Dealing first with the issue identified as 2.18 in the applicants response, on which the LAF commented, it is unfortunate that the County Council felt the need to fence off the area of release land prior to this application to PINS being determined, particularly in the light of the number of objections to the actual development, which required the Section 16 application. The premature fencing of the release land before permission was obtained was likely to be controversial and there has been no full explanation as to why the fencing was required at this point in practical terms. In its response, the applicant seeks to justify its actions on the basis that a Section 16 LPA application is underway. However, regardless of the merits or demerits of the status of the land as a coach park, until the Section 16 application is finally determined and a Direction given, the land continues to be registered as common land and as an Urban Common subject to public access, whether or not this was possible when the coach park was operational.

Elsewhere in 2.18 the applicant comments upon other objectors highlighting Section 38 (1) and (2) of the Commons Act 2006 in relation to the lawfulness or otherwise of the fencing and access being impeded to the area in question. This Section of the Act (including sub-section 3) makes it clear that the consent of the National Authority is required for any restricted works (including fencing works) which impede access. It is not clear from the applicant whether this was obtained.

Although the LAF comments in relation to the exchange land, discussed at 2.19 in the applicant's response were a concern, but were finally balanced (and have not been listed as an objection for comment), it is clear from the number of objections received that this is an issue of major concern to many objectors.

Given that it is a major landowner; it might be helpful if the County Council, in its response, could explain the criteria which led to the selection of the exchange land and whether any other areas which are nearer to the release land were available.

County Durham LAF asks that our further comments be taken into consideration.

Yours sincerely

Pat Holding

Chair of County Durham Local Access Forum

APPLICATION FOR DEREGISTRATION AND EXCHANGE UNDER S16 OF THE COMMONS ACT 2006

The Sands, Durham City, County Durham, (CL29)

Response to the Applicants Statement

Durham City Council statement indicates that Natural England's comments are highly specific and can be addressed effortlessly. However I am not sure this is the case, when I read the Annexes belonging to the application I had a number of concerns. It maybe that I did not make this clear. Therefore I would like to clarify:

Firstly, we are very pleased to see that the applicant has noted our comments regarding accessibility, and will, if the proposal be granted consent, implement our suggestions. I would suggest that an updated map showing the suggested access points should be submitted to the Planning Inspectorate for consideration.

- In our response Natural England tried to make the point that there seemed to have been no consultation as specified in "*The Common Lands Consents Policy: 2015"*.

  This document at Paragraph 1.6 states that "The Secretary of State considers the model set out in "A Common Purpose: *a guide to Community Engagement*" to be good practice in consulting directly affected stakeholders and the public". In this instance, such a consultation is of particular importance.

  The annexes provided with the application form show a number of alternatives pieces of land. There is no information to indicate whether the decision about which piece of land to put forward as replacement gave due to consideration to the public benefit of access. Thus I can only give a personal opinion as to the worth of the exchange. It may be that the Durham public may consider that access to this particular site is worth the inconvenience of a hay meadow which is home to ground nesting birds, however they might not. My experience suggests that this might be a poor choice, say compared with a woodland. In the case of the Sands it is likely that the exchange land would have been amenity grassland land prior to becoming a coach park, this would have offered the possibility of informal recreation that might not be supported by a hay meadow.

- I also made the point in my response that the position of the proposed replacement land does not appear to be located close to where people live. I suggested an estimate of the distance from residential property to reach the land. Disappointingly this has not been addressed in the applicant's statement. It is important to know who will be able to access the common.

I would also like to make some points that were not apparent in the application and therefore I did not address:

- At section 14 the application states that the proposed replacement land is not informally accessible. However I note that one of the objector's states that it area is already accessible green space. It would be useful to know which is correct.

- I note that there is no confirmation that the proposed replacement land will become s193 land.
- The s38 application form does not mention the fact that there are plans to convert the coach park from its present use into an office block. This is important because if the land can be converted into offices it could in fact be converted back into a green space for the use of the people of the City. This obviously has implications when viewing the application in terms of its value to the community and its value for the landscape.

From: Hugh Craddock [redacted]
Sent: 20 November 2019 13:52
To: commonlandcasework <CommonLandCasework@planninginspectorate.gov.uk>
Subject: RE: Application for de-registration of part of The Sands common land, Durham

Hi Rob, Will

Thank you for sight of the council's reply to objectors' comments. I am sorry to miss your deadline by a few hours.

First, we now accept that the coach park was not part of the s.194 consent to which I referred in my email to you of 28 October. This only makes the position with the coach park still more egregious (but we are content you set aside our email of that date).

In its reply, the council identifies the release land as the land subject to the 1982 lease (see appendix II to the council's reply). What is striking about these lease and subsequent arrangements, entered into by the council, the Freemen, and the Secretary of State, is that no acknowledgement is made then or now that, notwithstanding those arrangements, the use of the land was and remained unlawful without the express consent of the Secretary of State under s.194 of the Law of Property Act 1925. Further, the council has confirmed (para.2.24) that, 'no consent under Section 194 of the Law of Property Act 1925 has ever been sought or obtained for the use of the Release Land as a coach park.' To which we would add that no such consent was sought in respect of any other use of the land connected with the 1982 lease. Please note that the Secretary of State was bound by s.194 of the 1925 Act: see s.208 of that Act.

The Secretary of State's consent policy guidance states (para.5.5) that: 'Where…the release land is occupied by buildings or other works, she will assume that such inclosures or works are unlawful (unless the contrary is shown, e.g. by reason of a consent previously granted) and that they will not endure. Accordingly, in those circumstances, she will consider the proposed exchange as if the release land were an integral part of the common, and properly available for public use.'

Thus, in relation to the release land, the Secretary of State must proceed on the basis that the coach park is an unlawful use of the land (as it is), and as if the land occupied by it were 'an integral part of the common, and properly available for public use.' That is the Secretary of State's policy: she must approach the matter, not as the substitution of a green field for a tarred car park, but as the substitution of a green field for a potentially valuable part of the Sands common, which ought to be restored to grass and public use, and as if it were so restored. It is immaterial whether the Freeman did or may require the coach park to be returned to grass (para.2.3): the use is unlawful, the use should cease, and it is the Secretary of State's policy to proceed on the basis that it will cease.

The council states (para.2.19) that: '…it must be remembered that the Release Land has been in use as a Coach Park for many years so it is difficult to understand how such [parking] use would have been compatible with recreational use by local residents.' But as the Secretary of State's policy makes clear, that argument is not available to the council.

Secondly, the council states that: 'The Applicant is not required as part of this application to demonstrate a need for the proposed car park on the Release Land in

connection with the HQ.' It continues that: 'There is no need criterion in the Commons Act… . …It is a matter for the Applicant how it chooses to deliver the HQ project and it has already been decided that a car park and water storage tank is to be located on the Release Land.' That is plainly incorrect. The Secretary of State, '[i]n determining the application…shall have regard to—…

[*inter alia*]

(b) the interests of the neighbourhood;

(c) the public interest;

(d) any other matter considered to be relevant.'

Those criteria afford ample opportunity for the Secretary of State to have regard to the desirability of granting the application by taking into account the purpose of the application — *i.e*. the future use of the release land. Compare with an application to the Secretary of State for a certificate under s.19 of the Acquisition of Land Act 1981, in relation to a compulsory purchase of common land causing other land to be given in substitution, where the Secretary of State must be satisfied only that the substituted land is 'equally advantageous' (of course, the merits of confirming the compulsory purchase order usually will also be considered by the Secretary of State, but in a nominally discrete process). This application is not made under s.19, and the Secretary of State may, and should, have regard to the merits of removing part of the Sands, a historically important site within the City and important for recreation, to facilitate development, whatever the attributes of the release and replacement land.

By way of comparison, assume that a major supermarket proposed to build a new store on this part of the Sands (having acquired the freehold from the council, and obtained planning permission), and offered as replacement land a site, not too far distant, which were currently brown field but to be restored to public-use parkland. Is it contended that the Secretary of State should be blind to the merits of developing part of the common as a supermarket, and confine her analysis solely to the adequacy of the exchange? Indeed, we think it is impossible for her to do so, because questions such as the historical origins of the common land and the extent to which it is valued by the community are intrinsically bound up with the merits of whether the development should proceed on that site. And as to that question of merits, it is plain that the Secretary of State is to have the deciding say, because the development cannot proceed without a s.17 order.

Thirdly, as to the adequacy of the replacement land, the council states (para.2.13): 'It is accepted that the Replacement Land is less conveniently accessible to some residents in Durham City…'. Yet the value of the Sands is as a recreational green lung for the inhabitants particularly of the city, particularly of those living on the east bank of the Wear, particularly of those living within the densely-developed peninsular part of the City enclosed by the River Wear. This green lung would be diminished by the application being granted. That the replacement land is accessible by the public generally (para.2.13) is irrelevant — of course it is, it is part of a large estate of council-owned undeveloped land which is already accessible to the public. Designating a small part of it as common land will have no material impact. Nor will it add to the recreational facilities for the public — it is already accessible, virtually no-one lives within a ten-minute walk of the site, and for those living near the Sands, it is more like a half-hour walk away.

Fourthly, the council states (para.2.20) that the replacement land 'has no statutory or other protection. It is currently held for conservation purposes under the Countryside Act 1968. The public do not have any access rights by reason of the statutory basis upon which the Replacement Land is held.' The council does not explain further. However, the powers conferred on the council by the 1968 Act as respects land acquired or held by the council are in ss.6–8: a power to provide country parks 'for the purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public' (s.6(1)). It is an odd country park to which the public has no access. Perhaps the council means that the public currently have no 'access rights', but that there public are nevertheless admitted to the land. If so, leaving aside the effect of ss.6–8 of the 1968 Act, and whether a council holding land as a country park must nevertheless admit the public by right, the Secretary of State's policy guidance states (para.4.5) that: 'the Secretary of State would not normally grant consent where the replacement land is already subject to some form of public access, whether that access was available by right or informally, as this would diminish the total stock of access land available to the public.'

Finally, the council arrogantly has proceeded with works on the release land site. It says (para.2.18) that these are authorised under s.38(6)(a) of the 2006 Act, but has failed to explain how such works are 'are carried out under a power conferred in relation to that particular land by or under any enactment' — in other words, which enactment authorises those works *in relation to that particular land*?

We therefore call on the Secretary of State to reject the application. In the circumstances, given the scale of opposition to the application, please would you confirm that the application will be considered by an inspector at a public inquiry, and that a site visit will be conducted?

regards

Hugh

Hugh Craddock
Case Officer
Open Spaces Society
25a Bell Street
Henley-on-Thames
RG9 2BA
Email: [redacted]
www.oss.org.uk
Tel: [redacted]

From: Janet George[redacted]
Sent: 02 November 2019 20:53
To: Davis, Rob <rob.davis@planninginspectorate.gov.uk>; Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>
Subject: 2. Sands Common Durham, a valuable habitat

Please find attached pictures demonstrating that the common land fenced off unlawfully by Kier is indeed valuable wildlife habitat in a City. It was walked daily by local people (path visible), an old established roosting and nesting site, a recognised bat corridor and a place of mature trees supporting diverse wildlife. Otters have been sighted very recently.

Kind regards
Janet George
SNCF








BURNELL FENCING

From: Janet George [redacted]>
Sent: 02 November 2019 20:42
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>; Davis, Rob <rob.davis@planninginspectorate.gov.uk>
Subject: 3. SNCF evidence in response to Durham County Council response to our objection to the de-registration of the Sands Common

Please find attached the unlawful change of use of the registered common, The Sands, Durham.

Durham County Council and Kier stated to the public their fencing off of this land was for reasons of health and safety. They have now admitted their intention from the beginning of the project was to use the land as a site compound and have erected two storey offices on the common land.

Kind regards
Janet George
SNCF



From: Janet George [redacted]
Sent: 02 November 2019 20:33
To: Wassenaar, Will <will.wassenaar@planninginspectorate.gov.uk>; Davis, Rob <rob.davis@planninginspectorate.gov.uk>
Subject: 1. SNCF evidence supporting our response to the response offered by Durham County Council to objections to the de-registration of Common Land, The Sands, Durham.

RE Durham County Council's Objection response to our objection to de-registration of the Sands Common Land.

Durham County Council - missing documentation

Please note comment last paragraph below from the Director of Transformation and Partnerships that they are 'unable to track down' documentation re the Sands Common Land.

This document was work commissioned by the then Council and if Durham county Council are not aware of it I would argue what other documents may they also not be able to 'track down'.

Kind regards
Janet George
SNCF

From: Lorraine O'Donnell [redacted]
Sent: 30 April 2019 12:20
To: Janet George [redacted]
Subject: RE: Nearly zero energy requirements for public buildings and Common Land.

Dear Ms George

Apologies for the delay in replying to your email of 12 March.

I can confirm that Durham County Council must meet the new standards for public buildings to be nearly zero energy in accordance with revised building regulations.

The proposed new HQ has been designed to do so, taking a 'fabric first' approach –a good practice approach to minimising energy consumption through appropriate design of the building fabric . The design specifications are expected to meet the new regulations and indeed building regulation approval will not be issued until compliance with Regulation 25b Building Regulations 2010 (as amended) is achieved. There is a wide range of design measures and techniques that have been incorporated into the building so that it meets the new requirements.

The 'fabric first' approach and flood defences are already included in the project costs.

The Council has commenced a non-statutory or informal consultation prior to submission of an application to deregister the rights of common in return for exchange land being offered. St Nicholas Community Forum should have received a letter explaining the process, including details of the land proposed to be released (the coach park); the proposed exchange land, timescales and contact details on how to respond. For completeness I reproduce the latter here:

> Peter Howson, Tel: 03000 267482
> Email: commonland@durham.gov.uk

My legal colleagues have been unable to track down a copy of the advice from Nicola Allan to which you refer, which predates the establishment of the unitary authority. I should be grateful if you could forward a copy to assist consideration of your submissions.

Yours sincerely

Lorraine O'Donnell
Director of Transformation and Partnerships
Durham County Council
County Hall
Durham
DH1 5UF

Tel:
E-mail
Web: www.durham.gov.uk
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From: Janet George
Sent: 12 March 2019 16:47
To: Henry Jones >; Nicholas RIPPIN ; Lorraine O'Donnell ; Cllr Lucy Hovvels ; Cllr Eddy Adam ; Helen Lynch [redacted]
Cc: [redacted]; Elizabeth Scott [redacted]; [redacted] David Hook [redacted]
Subject: Re: Nearly zero energy requirements for public buildings and Common Land.

Thank you Henry

My question is now for Councillors and Dr O'Donnell, could you please explain to me

Are Durham County Council required to follow the regulations laid down by the Ministry for Housing, Communities and Local Government, circular letter attached stating *'Where a building is erected, it must be a nearly zero-energy building' For new buildings occupied by public authorities, the coming-into-force date for Regulation 25B is 1 January 2019.*
The building proposed in the application DM/18/02369/FPA is clearly not and this was commented upon during the committee meeting.

If Durham County Council must meet this standard this requires further discussion and I imagine final cost.
What will the cost of nearly zero carbon specifications and build - and the extra monies required to build the required flood defences be - and will proper and open consultation occur regarding cost.

If Durham County Council believes it may ignore Government directive what rationale do you have for this.

Does Durham County Council believe it has any moral duty to proactively construct a public building that will meet environmental standards.

What response does Durham County Council give regarding the issue of Common land.

I await your responses.

Yours sincerely

Janet George

From: Henry Jones
Sent: 12 March 2019 14:57
To: Janet George; Nicholas RIPPIN; Lorraine O'Donnell; Cllr Lucy Hovvels; Cllr Eddy Adam; Helen Lynch
Cc: Elizabeth Scott
Subject: RE: Nearly zero energy requirements for public buildings and Common Land.

Dear Janet

The two issues which you raise below re nearly zero energy requirements for public buildings and the advice re the Common Land from the Open Spaces Society were reported within the Committee Report. At paragraph 131 the summaries of public comments are presented and this includes a reference under "Other" to both Common Land representations including your submission re Law and Property Act of 1925 matters and the revised building regulations requirements. These issues were therefore reported to Members within the report.

Paragraph 398 of the Committee Report discusses energy reduction measures and the following paragraph 399 discusses matters relating to Common Land.

Both Building Regulations and matters surrounding Common Land, both in terms of deregistration processes and/or rights of access, are matters separate from planning to which separate legislation relates. Any grant of planning permission does not subvert other legislative processes which may also apply to the development overall.

Thank you

Henry Jones | Principal Planning Officer | Durham County Council | Planning Development (Strategic) | County Hall | Durham | DH1 5UQ | 03000 263 960

From: Janet George [redacted]
Sent: 12 March 2019 12:22
To: Henry Jones [redacted] Nicholas RIPPIN [redacted]; Lorraine O'Donnell [redacted]; Cllr Lucy Hovvels [redacted]; Cllr Eddy Adam [redacted]; Helen Lynch [redacted]
Cc: [redacted] Elizabeth Scott [redacted]
Subject: Re: Nearly zero energy requirements for public buildings and Common Land.

Further to my letter of the 8th March 2019 I would be grateful for a response from Durham County Council to my questions below.

Yours sincerely

Janet George

From: Janet George [redacted]
Sent: 08 March 2019 10:25
To: Henry Jones; Nicholas RIPPIN
Cc: [redacted] Elizabeth Scott
Subject: Nearly zero energy requirements for public buildings and Common Land.

Dear Mr Jones

Re planning application DM/18/02369/FPA

I intend to write to the relevant ministers regarding the issues of 1) regulation 25B Nearly Zero Energy Requirements for Public Buildings published by the Ministry of Housing, Communities and Local Government and 2) the Common Land of the coach car park and given advice from the Open Spaces Society.

I would be grateful if you could explain

Why these issues were not flagged up in your report despite you being aware of them,
Why they were ignored at the planning committee meeting,
If the planning committee and any other Council Officers were advised of them
What conversations occurred regarding them
What justification allows Durham County Council to ignore them.

Kind regards
Janet George

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[redacted]

18 November 2019

Your reference COM/3236108

for the attention of Mr Rob Davis

Dear Sir

Commons Act 2006 section 16

Proposed Deregistration of land on The Sands, Durham

Application reference number COM/3236108

I have read Durham County Council's response to objections, and make the following response.

I find it disappointing that nowhere in its response does Durham County Council(DCC) explain that this late application(i.e. after construction work is well under way), arises solely as the consequence of a major administrative error, made by DCC in its consideration of relocating its Headquarters. That was the elementary failure to undertake the usual searches in its own records.

This is a simple basic requirement prior to any real property transaction.

Nowhere is there an honest recognition of this failure.

It is interesting that this is the same response to my point about the work

currently being undertaken without consent being an offence.

The Council has failed to set up the appropriate authority under the act, to deal with such a situation and issue legal proceedings against the perpetrator of an unlawful act.

Because of this failure DCC seems to be taking the stance that they are therefore exempt. I disagree. This seems to me to be wrong in law.

It cannot be legitimate to benefit the perpetrator of the unlawful act.

Lady Hale in her recent decision asked on very simple question. Was the advice lawful? Her whole premise was that we are governed by the Rule of Law

I would ask only were the actions of DCC in taking entry and executing work without consent lawful?

They clearly were not.

How then can this application to deregister based on an unlawful act possibly be allowed to succeed.

I ask you to reject this application.

Yours Faithfully

[redacted]

Jean B. Crowden

Response to objectors' further comments

Application COM/232618 for Deregistration of part of Common Land at the Sands, Durham

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

Helen Lynch and Democratic Services

Durham County Council

County Hall

Durham

DH1 5UL

Ref: NC/14195

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1 Introduction

1.1. The Council's response to the 45 no. objections on application reference number COM/232618 was submitted to the Planning Inspectorate on 28 October 2019.

1.2. 10 of the original objectors submitted further comments upon the Council's response (totaling 11 comments as one objector sent in two separate comments). These further comments were copied to the Applicant on 29 November 2019, with a 21 day timescale afforded for the Applicant to comment upon these.

1.3. The Applicant has assigned a number to each of the further comments from objectors as set out on the list of objectors who have made further comments, attached at Appendix i.

1.4. This document constitutes the Applicant's response to the objectors' further comments.

2. Applicant's response to objectors' further comments

2.1 As a general observation, a number of the objectors have misused the opportunity to make comments on the Applicant's response to the original objections by submitting new points of objection.

Objector 2 – Freemen & Durham City Parish Council

2.2 It is disingenuous to suggest that the Parish Council's objective is to safeguard common rights over the Release Land. It is a matter of public record that the Parish Council attempted (unsuccessfully) to judicially review the grant of planning permission for the new Council HQ and is vehemently opposed to that project. The current application is viewed as part and parcel of that HQ project.

2.3 The Applicant is dismayed by the comment that it cannot be trusted to act in the interests of the public with regard to the Release Land. Not only is this entirely untrue, the Council is not the decision taker on this application.

2.4 The issue of the works already undertaken on the Release Land is fully explored at paragraph 2.18 of the Council's Response to Objections and it is not proposed to say anything further about that except to emphasise that this issue is not relevant to the merits of the application under consideration.

2.5 For the avoidance of doubt, the Council's comment at paragraph 2.11 of its Response to Objections means that it has no aspiration or intention to deregister any further areas of the Sands Common or put them to a use incompatible with the common land status.

2.6 The extent of the grazing rights said to arise by reason of the 1850 Indenture is of no consequence. Regardless of discussions at the time of the 1968 application, what matters is what has been registered. It is not open to the Freemen to seek to expand upon the scope of their registered grazing rights. However, this issue is of little consequence to the determination of the application under consideration.

2.7 Any evidence which the Freemen have and wished to produce as to the agreement which is said to have existed for the Release Land to be returned to grass at the conclusion of the ROC use should have been produced by now if the Freemen wished to rely upon it as a consideration material to the assessment of the merits of the current application. Having failed to do so, the Inspector should proceed on the basis that there is no such evidence.

2.8 In relation to the request for a Public Inquiry, the Applicant does not consider that this is necessary in order for the application to be determined. It is of course a matter for the Secretary of State to come to a view on, but the Applicant's view is that there is no factual or other dispute which would require evidence to be given under oath or tested by cross examination. Nor are there any significant legal points at play.

2.9 The comment about herbage rights reviving in the future as the buildings on the Release Land are temporary is not understood in the context of the Freemen's wishes as to the exercise of grazing rights, set out in the 18 March 1968 letter. The Applicant does not suggest that any interference with the Freemen's grazing rights occasioned by unauthorised buildings on the Release Land would somehow extinguish those rights. The significance of the 1968 letter is that it demonstrates that the Freemen were no longer interested in actually exercising those grazing rights on the Release Land by that time and that their focus had instead moved to

compensation. There is no evidence since 1968 to demonstrate that the Freemen have any interest in exercising grazing rights now or in the future.

2.10 Whilst it is true that there can be no legally binding requirement on the Council to turn over the proposed car park on the Release Land to public use on evenings and weekends, that does not detract from the Council's intentions in this regard. Planning Permission would not be required for such incidental or ancillary use so it is hardly surprising that no mention is made of this in the supporting statement submitted as part of the planning application for the HQ.

2.11 The Council's concession on the issue of accessibility of the Release Land at paragraph 2.13 of its Response to Objections is in relation to Durham City, not Durham generally, as this objector now appears to suggest.

2.12 The Objector now appears to accept that there is vehicular access to the Replacement Land but asserts that there is no car parking and that the access road to the Replacement Land is restricted by double yellow lines. The lack of car parking provision in and around the Replacement Land is not substantially different to the Release Land. In any event, the Applicant is not expecting users of the Replacement Land to arrive by motor vehicle. Whilst the road in question does have double yellow lines and loading restrictions, that should not prevent any Freeman who wishes to transport animals to the site from doing so as loading/unloading would not take place on the road but on the area of the gated access track. However, if this issue is of genuine concern to the Freemen, then this could be addressed by the introduction of a dedicated loading bay.

2.13 The Applicant has not suggested that international visitors to the City are likely to seek out and access the Replacement Land. The point being made at paragraph 2.11 of the Applicant's Response to Objections is that the Release Land is only one small part of the Sands Common so there would be ample remaining common land at the Sands should such international visitors wish to continue to use it.

2.14 The Replacement Land is not populated by breeding Great Crested Newts. The Ecological evidence is that such GCNs are located offsite. Whilst there is potential for individual GCNs to use the Replacement Land, no adverse impacts on GCNs are expected to arise from common land uses. Nor has the Council admitted that the Replacement Land would not be available for grazing. Paragraph 4.5.2 of the Applicant's Response to Objections makes a

factual point, namely that given the Freemen's disinterest in exercising grazing rights as far back as 1968, it is unlikely in practice that they would seek to graze it. The Applicant remains of the view that the proposed use of the Replacement Land is compatible with any ecological value it possesses. This matter is dealt with fully in the Applicant's Supporting Statement at paragraph 4.5 and also in the Response to Objections at paragraph 2.20.

2.15 It is clear from a full reading of paragraph 2.15 of the Applicant's Response to objections that the Council is agreeable to the amendment of the original proposal in terms of the number of access points to the Replacement Land, as suggested by Natural England. Rather than contradicting the Supporting Statement, this represents an instance of the Council listening to objections and being prepared to revise or modify its proposal in light of that.

2.16 The Council remains of the view that the availability of the large remaining area of the Sands Common for public use is a relevant consideration in the assessment of the current application.

2.17 The inclusion of the Replacement Land as open space in the Council's OSNA does not and cannot confer any public usage rights. The purpose of that document is to identify open space needs in connection with proposed development as part of the evidence base for the emerging replacement development plan for the County (the County Durham Plan). Furthermore the OSNA itself does not purport to understand access to every site it identifies as Natural Green Space and recognizes such an exercise as a vast challenge beyond the scope of that document. Accordingly, it is wholly incorrect to assert that the Replacement Land is already publicly accessible. Nor are there any worn paths across it which would indicate public use. The paths in close proximity are outside of the Replacement Land which is fenced in. The Applicant is unaware of any response from the Police which would indicate that the Replacement Land is in public use. If the Objector has such evidence, then it ought to have been disclosed by now. It has not done so. The position is as set out at paragraph 2.2 of the Applicant's Supporting Statement and paragraph 2.20 of the Applicant's Response to Objections. Any dispute as to this issue can be readily resolved by the Inspector's site visit.

2.18 The objector requests an explanation as to the Council's appropriation intentions at paragraph 2.20 of the Applicant's Response to Objections. In short, if the current application is successful and the Replacement Land therefore becomes common land, it will be necessary for the Council to align the statutory purposes for which the Replacement Land is held by the Council with this new common land status. It will therefore cease to be held by the Council for

conservation purposes and will instead be held for common land purposes. A formal appropriation is the mechanism by which this is to be achieved.

2.19 Despite the Objector's previous assertion that the motives for objecting to this application are unrelated to opposition to the Council's new HQ project, the Objector goes on to argue that the HQ project will result in a significant loss of amenity and that it is not necessary to use the Release Land for the HQ project. The two matters are therefore clearly linked.

2.20 The Council has recognized that the Coach Park use is unauthorised in common land terms and has never sought to argue that it is anything other than common land. However, the practical realities cannot be ignored in assessing the uses to which the public claim to have made of the Coach Park.

2.21 Turning to the Objector's call for a Public Inquiry, it is of note that no proper justification or argument has been put forward as to why this is required. The Applicant remains of the view that it is unnecessary to test evidence by cross-examination or for detailed legal points to be addressed by oral submissions. It is therefore appropriate for the application to continue on the written representations procedure.

2.22 Whilst the views of those with the benefit of common rights over the Release Land are important, it must be remembered that they are not the decision taker on this application. Nor do the merits of the application boil down to the number of objections. The application is a legal process, not a referendum. The Council's case is not unarguable and the Council will not be withdrawing the application.

Objector 8 – Natural England

2.23 The Council is prepared to submit a new plan of the Replacement Land showing the additional access points, as requested.

2.24 An extensive pre-application consultation exercise was undertaken. This is detailed at paragraph 1.4 of the Applicant's Supporting Statement.

2.25 It is unclear as to whether the author is giving her personal opinion as to the relative merits of alternative replacement land sites or that of Natural England. However, in so far as they

represent the official views of NE, it must be noted that the choice of site is constrained by the commoners' rights which would attach to it, in this case grazing. It would not have been appropriate to put forward a woodland as the author seems to be suggesting because this would not have been capable of supporting grazing of animals.

2.26 Distances from the Release Land to the Replacement land are set out in the Applicant's Supporting Statement at page 4.4.

2.27 The lack of public access to the Release Land has already been addressed at paragraph 2.17 above.

2.28 If the application is successful and the Replacement Land becomes common land, then it will be open to public access.

2.29 The application is proceeding under Section 16 of the Commons Act, not Section 38. There are no plans to build an office block on the Release Land but it is proposed to construct the new Council HQ building on land adjoining the Release Land with the Release Land to be used as a car park and to house a water storage tank for the fire safety sprinkler system of the new building.

Objector 9 - OSS

2.30 The objector correctly points out that no consent was ever sought or granted under S194 for the previous uses of the Release Land.

2.31 The issue of how the Release Land is to be viewed in policy terms is different to the issue of whether, in practice, intensive recreational use has been taking place.

2.32 The objector appears to conflate the issue of whether it is necessary for the Applicant to demonstrate need for the proposed car park with the issue of whether the proposed future use of the Release Land is relevant.

2.33 Whilst the assessment of the merits of the application is clearly for Secretary of State, the merits of the planning decision for the new Council HQ cannot be revisited.

2.34 This objector repeats the assertion that the Replacement Land is already publicly accessible to which the Applicant refers to its response at paragraph 2.17.

2.35 The Replacement Land is not a Country Park provided as such in exercise of powers in Section 7 of Countryside Act 1968. Section 7 is a power only. It does not follow that all land held by the Council under the 1968 Act must be a Country Park. In this particular case, the land is held for conservation purposes, not access.

2.36 The legislation which allowed the installation of the new electricity cable over the Release Land was the Electricity Act 1989. However, none of this is relevant to the merits of the current application.

Objector 7 – LAF

2.37 The Applicant agrees with the objector that the Release Land remains common land unless and until the application to deregister it succeeds.

2.38 Details of the selection process for the Replacement Land are set out at paragraph 4.3 of the Applicant's Supporting Statement.

Objector 1

2.39 Although the objector claims that it is disingenuous for the Applicant to suggest that the nub of the objection is to the new HQ project, he goes on to state that he sees the current application as indistinguishable from that project.

Objector 3

2.40 The objector comments on his view of the need for a car park on the Release Land in connection with the new HQ. This is addressed at paragraph 2.5 of the Applicant's Response to objections.

Objectors 4 & 10

2.41 The Applicant is extremely concerned by the objector's suggestion that she has relevant documents which are not in the Applicant's possession. She ought by now to have forwarded them to the Applicant and the Secretary of State. In fact, the Applicant has requested disclosure of this information from the objector several times already but she has failed to provide it.

2.42 The proposed car park on the Release Land is for Members. It is not for Council staff.

2.43 The accessibility of the Replacement Land depends upon the starting point of the journey. Clearly, as the Applicant has already acknowledged, if the starting point is the Sands or immediate surrounding area, then it is less accessible than the Release Land. However, for those users whose start point is near the Replacement Land then it is more accessible. It is not anticipated that users will seek to access the Replacement Land by car.

2.44 The issue of the ecology and wildlife habitat value of the Release Land has already been addressed by the Applicant at paragraph 4.5.3 of the Applicant's Supporting Statement and 2.23 of its Response to Objections.

2.45 The objector does not appear to appreciate the difference between Commoners and the public as she asserts that the Commoners were interested in exercising their rights as local people exercised a right to roam on the Release Land.

Other matters – works already undertaken on the Release Land.

2.46 Objectors 1, 2, 3, 4, 5, 6, 7, 10 & 11 continue to make complaint about the works which the Council have undertaken on the Release Land to which the Council refers to its response at 2.18 of the Response to Objections.

2.47 The current use of the Release Land is in accordance with the planning permission granted for the new HQ and is not therefore an unauthorised change of use in planning terms.

Objector 5

2.48 As explained at paragraph 2.19 of the Applicant's Response to Objections, access to the riverbank is unaffected by the current application.

Objector 6

2.49 Planning Permission for the new HQ has been granted and it is lawful. It was obtained in accordance with the relevant statutory procedures and not by any dubious method. The judicial review challenge to it failed. The Release Land is already owned by the Council and benefits from planning permission so the objector's reference to handing it over to the Council appears to be based on a misunderstanding of this and the nature of the application under consideration.

Objector 11

2.50 The objector is wedded to her theory that the application was only necessary because of an administrative error by the Council in the initial site assembly work for the new HQ. As has been pointed out to the objector, this is simply wrong. The Release Land was identified early on in the site investigations as Common Land. However, none of this is directly relevant to the merits of the application.

2.51 The offence provisions to which the Objector refers to do not exist and it has already been explained to her that, in any event, the Council cannot prosecute itself. Again, none of this is directly relevant to an assessment of the merits of the application.

3 Conclusion

3.1. The Applicant has carefully considered the further comments from objectors and remains of the view that the case for deregistration of the Release Land and registration of the Replacement Land is made out.

Appendices

i. List of objectors who have made further comments

No.	Previous no.	Date	Name	Company
1	1	5 November 2019	CMJ Allen	
2	9	8 November 2019	Nicola Allen	The Freemen and Durham City Parish Council
3	13	31 October 2019	Dennis Findley	
4	17	2 November 2019	Janet George	Secretary of local residents association and resident
5	21	29 October 2019	Christopher Harbron-Hall	
6	28	5 November 2019	Miriam Johansen	
7	31	15 November 2019	Pat Holding	County Durham LAF
8	34	undated	Nicola Harper	Natural England
9	35	20 November 2019	Hugh Craddock	OSS
10	17	2 November 2019	Janet George (second rep)	Secretary of local residents association and resident
11	10	18 November 2019	Jean Crowden	

From: Hugh Craddock <[redacted]
Sent: 02 January 2020 15:59
To: Davis, Rob <rob.davis@planninginspectorate.gov.uk>
Subject: RE: Application for de-registration of part of The Sands common land, Durham

Hi Rob

Thank you for your email of 23 December, and best wishes for the New Year.

There are two issues arising from the applicant's further comments which require follow-up.

The first is that, in para.2.23, it is stated that: 'The Council is prepared to submit a new plan of the Replacement Land showing the additional access points, as requested.' May we see this please?

The second is that, in para.2.35, it is stated that: 'The Replacement Land is not a Country Park provided as such in exercise of powers in Section 7 of Countryside Act 1968. Section 7 is a power only. It does not follow that all land held by the Council under the 1968 Act must be a Country Park. In this particular case, the land is held for conservation purposes, not access.'

Here, the council has expressly stated that the land is not held under the 1968 Act as a country park, but is held 'for conservation purposes'. However, the council has not stated what powers are relied upon to acquire and hold the land. It implies that the land is held under the 1968 Act ('It does not follow that *all* land held by the Council under the 1968 Act must be a Country Park', emphasis supplied), and in its first response, para.2.20, it stated that the replacement land 'has no statutory or other protection. It is currently held for conservation purposes under the Countryside Act 1968.' But it does not state what other provision in the 1968 Act applies to enable the land to be held. We therefore ask the council to disclose the particular power relied upon.

Lest our enquiry be thought unnecessarily or unhelpfully to draw out exchanges of representations, it is crucial to the determination of this application. As we have already said, the Secretary of State's policy guidance states (para.4.5) that: 'the Secretary of State would not normally grant consent where the replacement land is already subject to some form of public access, whether that access was available by right or informally, as this would diminish the total stock of access land available to the public.' Thus the Secretary of State, in determining the application, is entitled to have before her, reliable information as to existing public access to the replacement land. Our contention is that the replacement land not only is accessible, but that the council is compelled to enable such access because the land is held under ss.6–8 of the 1968 Act for public access as a country park. Unless the council can show that the land is held under some other power (apparently to be found in the 1968 Act) which does not compel public access, the Secretary of State must conclude that our submissions on this question are correct, and therefore 'the Secretary of State would not normally grant consent'.

Moreover, the council, in its response on this question, has merely further confused the position with a new statement on the powers relied upon, which denies the powers alleged by the society, but does not provide a satisfactory answer. We therefore ask the Secretary of State to seek clarification to enable her to reach a properly-informed decision on the application.

regards

Hugh

Hugh Craddock
Case Officer
Open Spaces Society
[redacted]

Response to further comments from the Open Spaces Society

Application COM/232618 for Deregistration of part of Common Land at the Sands, Durham

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

Helen Lynch and Democratic Services

Durham County Council

County Hall

Durham

DH1 5UL

Ref: NC/14195

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1 Introduction

1.1. The Council's response to the 45 no. objections on application reference number COM/232618 was submitted to the Planning Inspectorate on 28 October 2019.

1.2. 10 of the original objectors submitted further comments upon the Council's response (totaling 11 comments as one objector sent in two separate comments). The Council responded to these further comments on 12 December 2019.

1.3. By email of 2 January 2020, The Open Spaces Society submitted further comments/observations upon the Council's response of 12 December 2019 and the Planning Inspectorate has requested that the Council address the issues raised, by 31 January 2020.

1.4. Accordingly, this document constitutes the Applicant's response to the OSS' further comments of 2 January 2020.

2. Applicant's response to OSS' further comments

2.1 The OSS ask the Applicant for a copy of any revised plan of the Replacement Land showing the additional access point(s) and they make in greater detail their argument that the Replacement Land is a Country Park under Section 7 of the Countryside Act 1968.

Plan showing access points

2.2 Having considered the previous representations made by Natural England and the OSS, the Applicant agreed at paragraph 2.16 of its Response to Objections to the introduction of the measures suggested for the Replacement Land (additional access point, mown path and advisory dog walking signage). At paragraph 2.2.3 of its Response to Further Objections, the Applicant further agreed to submit a revised plan showing the additional access points. Accordingly, such plan is attached at Appendix i). That plan illustrates two additional proposed pedestrian access points at the Northern and Southern boundaries of the Replacement Land. A path would be mown through the grass between these two points, following the Eastern edge of the Replacement Land site. Two existing vehicular access gates are also plotted on

this plan to be used by the Applicant for maintenance purposes and by the Freemen, should they wish to transport animals to the Replacement Land to graze.

Countryside Act 1968

2.3 The Replacement Land was purchased by the Council on 12 July 1951. At that time it comprised agricultural land. A copy of the Conveyance is attached at Appendix ii), together with an overlay plan showing the Replacement Land within the area of land conveyed. There is no evidence that it was acquired under any statutory provision which conferred public usage rights, the conveyance being silent as to the statutory purpose in play. It is likely that it was initially acquired for agricultural purposes and then subsequently held for Local Government purposes, as part of the wider County Hall site which was developed in the 1960s.

2.4 By 2008, the Replacement Land was recorded as being held for Local Government Act 1972 purposes. At that time, it is apparent that the Applicant wished to undertake a tree planting/forestry scheme on approx. 43 acres of land including the Replacement Land, with the assistance of 10 years of grant funding from the Forestry Commission. Accordingly, a decision was taken on 22 February 2008 to appropriate the Replacement Land (and other surrounding land) from Local Government Act 1972 purposes to Countryside Act 1968 purposes. A copy of the Appropriation of Land Memorandum, the record of the exercise of the delegated power and the officer report recommending appropriation are attached at Appendix iii) & iv).

2.5 The tree planting scheme was carried out and it is apparent that the Replacement Land was set aside as open meadowland as part of that scheme, therefore no actual planting was undertaken on it. The Replacement Land was managed as a meadow with hay cuts being taken (as detailed in paragraph 2.2.2 of the Applicant's Supporting Statement).

2.6 The OSS' assertion that because the Replacement Land was appropriated to Countryside Act 1968 purposes in 2008, then it must therefore be a Country Park pursuant to Section 7 of that Act has no basis in law.

2.6.1 Firstly, nowhere in the Appropriation or the delegated report which recommended it is Section 7 of the Countryside Act 1968 referred to. The same goes for sections 6 and 8. It is clear that the purpose behind the Appropriation was to allow a woodland planting

& management scheme. That is wholly at odds with the provision of a Country Park, which is to say a park or pleasure ground to be used for that purpose.

2.6.2 Secondly, given the conservation management of the Replacement Land to date, it is likely that the Applicant appropriated the land pursuant to Section 11 of the Countryside Act 1968 which imposes a duty to have regard to the desirability of conserving the natural beauty and amenity of the countryside.

2.6.3 Thirdly, Section 7 is no more than a power for the Applicant to provide a Country Park. It does not compel the Applicant to do so. In order to provide such a Country Park, something more than mere ownership and appropriation of the land to Countryside Act 1968 purposes by the Council is required. The Applicant has not provided the Replacement Land as a park or pleasure ground to be used for the purpose of a country park. Moreover, having regard to section 7(2), it has not extended, maintained or managed the Replacement Land as a country park. It has not laid out, planted or improved the site, it has not erected buildings or carried out works on it, it has not provided facilities or services for the enjoyment or convenience of the public and it has not provided facilities or services for open air recreation. The Replacement Land remains enclosed, gated (with vehicular, not pedestrian, gates) and locked meadowland, to which the public do not have access. The fact that the public do not have access to the Replacement Land is inimical to the OSS claim of country park status and the section 6(1) purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public.

2.7 The OSS also repeat their assertion that the Replacement Land is currently accessible i.e. that the public already have physical access to it. That is factually wrong, as already set out at paragraph 2.20 of the Applicant's Response to Objections and paragraph 2.17 of its Response to Further Objections. The Replacement Land is completely enclosed, gated and locked. An annual 5km fun run takes place under licence from the Applicant on land at Aykley Heads, including on the Replacement Land, with the last such event occurring on 2 November 2019. The fact that the Licensee requires a licence to occupy the Aykley Heads land on a non-exclusive basis for 7 hours on one day of the year for the use of the 5km fun run serves to demonstrate that the public does not generally have access to the Replacement Land. A copy of the latest licence is appended at Appendix (v). Access through the existing locked vehicular gates has been by the Applicant for hay cuts to be taken and general maintenance.

3 Conclusion

3.1. The Applicant has now provided a plan showing the two proposed pedestrian access/exit points on the Replacement Land, in accordance with the representations from Natural England and the OSS. The OSS's assertions as to the status of the Replacement Land are without any legal merit. The statutory basis upon which the Council holds the Replacement Land does not confer any public rights of use or access, the Council has not provided the Replacement Land as a country park and the Replacement Land is not in use by or accessible by the public.

Appendices

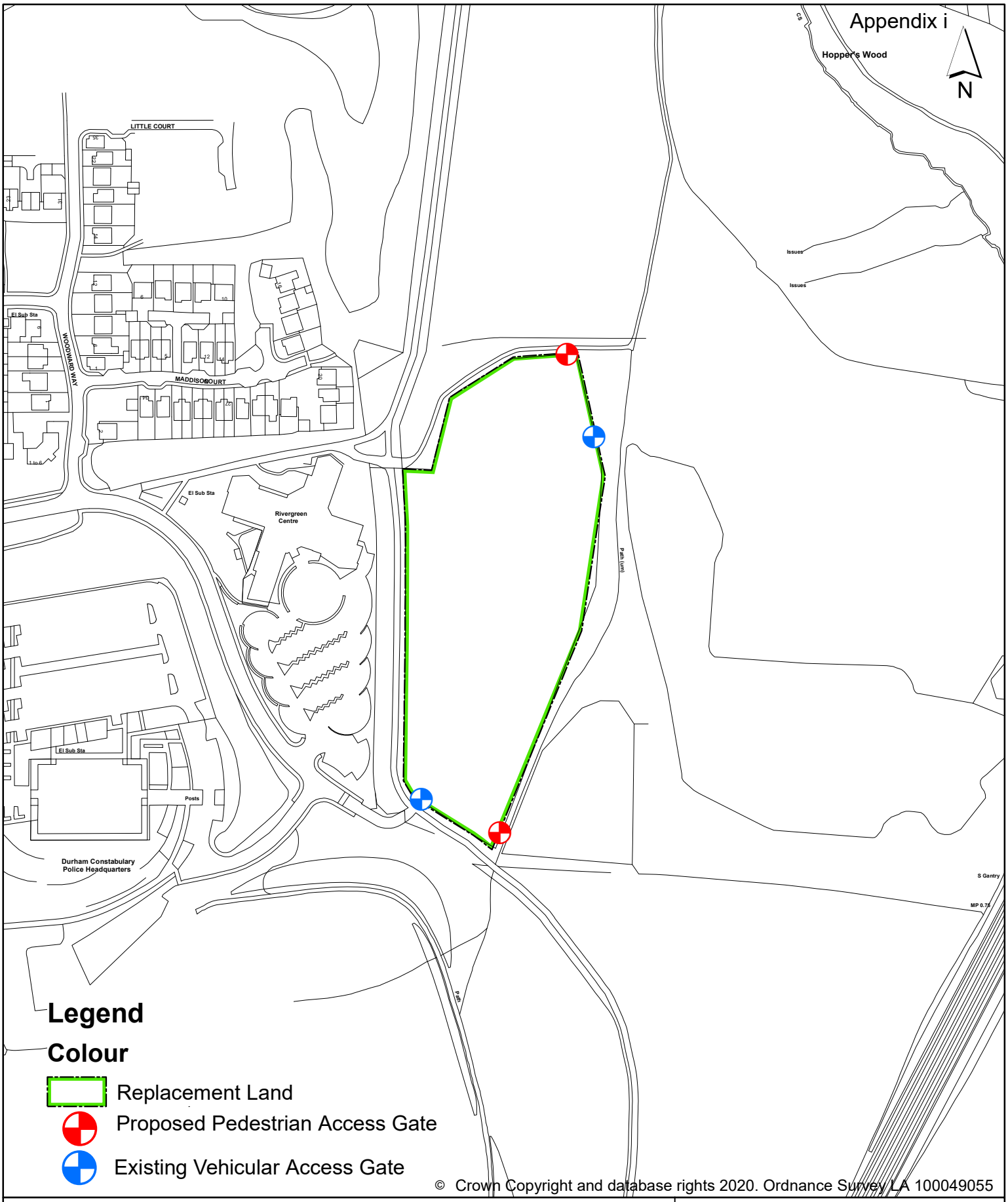
i. Plan showing proposed pedestrian access points on Replacement Land

ii. 1951 Conveyance & Land Registry Title document DU285400, plus overlay plan

iii. Appropriation of Land Memorandum dated 5 March 2008

iv. Record of Delegated Decision & Report for appropriation of Replacement Land on 22 February 2008 (report redacted merely as to valuation figures, as the report was exempt information under Part 1 of Schedule 12A to the Local Government Act 1972)

v. 10 October 2019 Licence for Aykley Heads 5km fun run on 2 November 2019



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AYKLEY HEADS, REPLACEMENT LAND (PLAN 3)

Plan Ref : ARC-20-025. Paper Size: A4. Scale : 1:2,500

Total Area Coloured Green : 18370.71 m², 4.539 Acres or thereabouts.

Based Upon O.S Map : NZ2743. Date: 24/01/2020.

UPRN : 3491S01.

0 70 140 280 Meters

Durham County Council

IAN THOMPSON
REGENERATION AND LOCAL SERVICES,
COUNTY HALL, DURHAM
DH1 5UJ.
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

1024

P.S.

PRODUCED to the COMMISSIONERS of INLAND REVENUE in compliance with the provisions of SEC. 12 of the act 55 VICT. Cap. 16
18 JUL 1951

INLAND REVENUE D PRODUCED FINANCE ACT 1931

SHAW & SONS LTD. Law Stationers &c. FETTER LANE, LONDON, E.C.4.

This Conveyance

is made the twelfth day of July One thousand nine hundred and fifty one B E T W E E N ALFRED SWINBURN of High Carr House Farm Framwellgate Moor in the County of Durham Farmer (hereinafter called "the Vendor") of the one part and THE COUNTY COUNCIL OF DURHAM (hereinafter called "the County Council") of the other part ———

W H E R E A S the Vendor is seised of the property hereinafter described for an estate in fee simple in possession except and subject as hereinafter mentioned but otherwise free from incumbrances and has agreed to sell the same to the County Council for the like estate at the price of Ten thousand five hundred pounds which sum is to include compensation due to the Vendor in respect of loss of crops manurial value or otherwise howsoever by reason of giving up possession of the property ———

N O W THIS DEED WITNESSETH as follows :-

1. In pursuance of the said agreement and in consideration of the sum of TEN THOUSAND FIVE HUNDRED POUNDS paid by the County Council to the Vendor (the receipt of which sum the Vendor hereby acknowledges) the Vendor as beneficial owner hereby conveys unto the County Council FIRST ALL THOSE freehold pieces or parcels of land situate at Framwellgate Moor aforesaid containing together One hundred and seventy two acres and ninety two hundredth parts of an acre or thereabouts and for the purpose of identification and not of limitation more particularly delineated on the plan hereto annexed and thereon coloured blue and edged red TOGETHER with the dwellinghouse and buildings erected thereon and known as High Carr House Farm aforesaid SAVE AND EXCEPT unto the National Coal Board or other owners thereof all mines and minerals within and under the said pieces of land with such powers for winning working and carrying away the same as the National Coal Board or other owners are entitled to AND SECONDLY so far only as the Vendor can convey the same ALL and singular the mines and minerals and mineral substances in and under the portion of the railway abutting upon the said pieces of land (the surface of which is now vested in the Railway Executive) and coloured round with green on the said plan TO HOLD the same unto the County Council in fee simple subject to the rights and liberties vested in the Sunderland & South Shields Water Company (hereinafter referred to as "the Company") in fee simple by virtue of a Deed of Grant dated the Seventeenth day of August One thousand nine hundred and thirty two and made between Thomas Lowdon Swinburn of the one part and the Company of the other part whereby the Company are permitted to lay and maintain a line of water pipes anywhere within strips of land thirty three feet wide shewn on the plan annexed to the said Deed TOGETHER with a washout valve and

manhole in the approximate position indicated on the said plan ———

2. The Vendor hereby declares that the boundary fences marked 'T' on the plan attached hereto are included in these presents ———

I N W I T N E S S whereof the Vendor has hereunto set his hand and seal and the County Council have caused their Common Seal to be hereunto affixed the day and year first above written ———

SIGNED SEALED AND DELIVERED by the said ALFRED SWINBURN in the presence of :-

Alfred Swinburn.

H.C. Tomlinson
Hartside Farm
Durham City

BY ORDER

Clerk of the County Council

10818

F1/0077/-/0011.

Memorandum: By a Conveyance dated 31st March 1954 and made between the above-named County Council of Durham (1) and The Rural District Council of Durham (2) a piece of land containing 14.368 acres or thereabouts edged red on the plan annexed thereto and being part of the premises comprised in the above-written Conveyance was conveyed to the Rural District Council of Durham in fee simple and their right to production of the above-written Conveyance was thereby acknowledged

F1/0077/7

0012. MEMORANDUM – By a Conveyance dated 21st May 1956 and made between the above-named County Council of Durham (1) and William Graham Dobson and Another (2) a piece of land containing 24 square yards or thereabouts coloured red on the plan annexed thereto and being part of the premises comprised in the above-written Conveyance was conveyed to the said William Graham Dobson and Another in fee simple and their right to production of the above-written Conveyance was thereby acknowledged.

0013. MEMORANDUM – By a Conveyance dated 16th July 1956 and made between the above-named County Council of Durham (1) and the Parish Council of Framwellgate Moor (2) a piece of land containing 30,885 square yards or thereabouts edged red and coloured yellow on the plan annexed thereto and being part of the premises comprised in the above-written Conveyance was conveyed to the said Parish Council of Framwellgate Moor in fee simple and their right to production of the above-written Conveyance was thereby acknowledged.

0014. Memorandum: By a Conveyance dated the 31st day of March 1964 and made between the within-named County Council of Durham of the one part and John Kenneth Thompson of the other part a strip or piece of land situate on the East side of No. 80 Finchale Road and forming part of the site of the Fire Brigade Headquarters at Framwellgate Moor in the County of Durham was conveyed unto the said John Kenneth Thompson in fee simple and his right to production and delivery of Copies of the within-written deed was thereby acknowledged.

0015. MEMORANDUM: By a Deed of Grant dated 18th August 1971 made between the within-named County Council of Durham (1) and The North Eastern Electricity Board (2) Right and Liberty was granted to the Electricity Board to lay and maintain electric cables in and under land adjoining North Road Framwellgate Moor being part of the within described land Together with rights of access thereto in fee simple and its right to production of the within written deed was acknowledged.

0016. MEMORANDUM: By a Conveyance dated 14th March 1973 made between the County Council of Durham (1) Jack Bland and Dora Bland (2) a piece of land with dwellinghouse thereon at Framwellgate Moor in the County of Durham known as 2 High Carr Close was conveyed to the said Jack Bland and Dora Bland and the right to the production of the within written Deed was thereby acknowledged.

0017. MEMORANDUM: By a Conveyance dated 22nd March 1973 made between the County Council of Durham (1) William Comerford and Joan Comerford (2) a piece of land with dwellinghouse thereon at Framwellgate Moor in the County of Durham known as 1 High Carr Close was conveyed to the said William Comerford and Joan Comerford and the right to the production of the within written deed was thereby acknowledged.

0018. MEMORANDUM:– By a Conveyance dated 12th April 1973 made between the County Council of Durham (1) and John Idwal Coulson et Uxor (2) a piece of land with dwellinghouse thereon at Framwellgate Moor in the County of Durham known as 3 High Carr Close was conveyed to the said John Idwal Coulson et Uxor and their right to production of the within written Deed was thereby acknowledged.

F1/0077-/0001.

DATED 12th July 1951

29

2

MR. A. SWINBURN

to

THE COUNTY COUNCIL OF DURHAM

Conveyance

of freehold property known as
High Carr House Farm Framwellgate
Moor in the County of Durham

FIN77
PT 2

RA

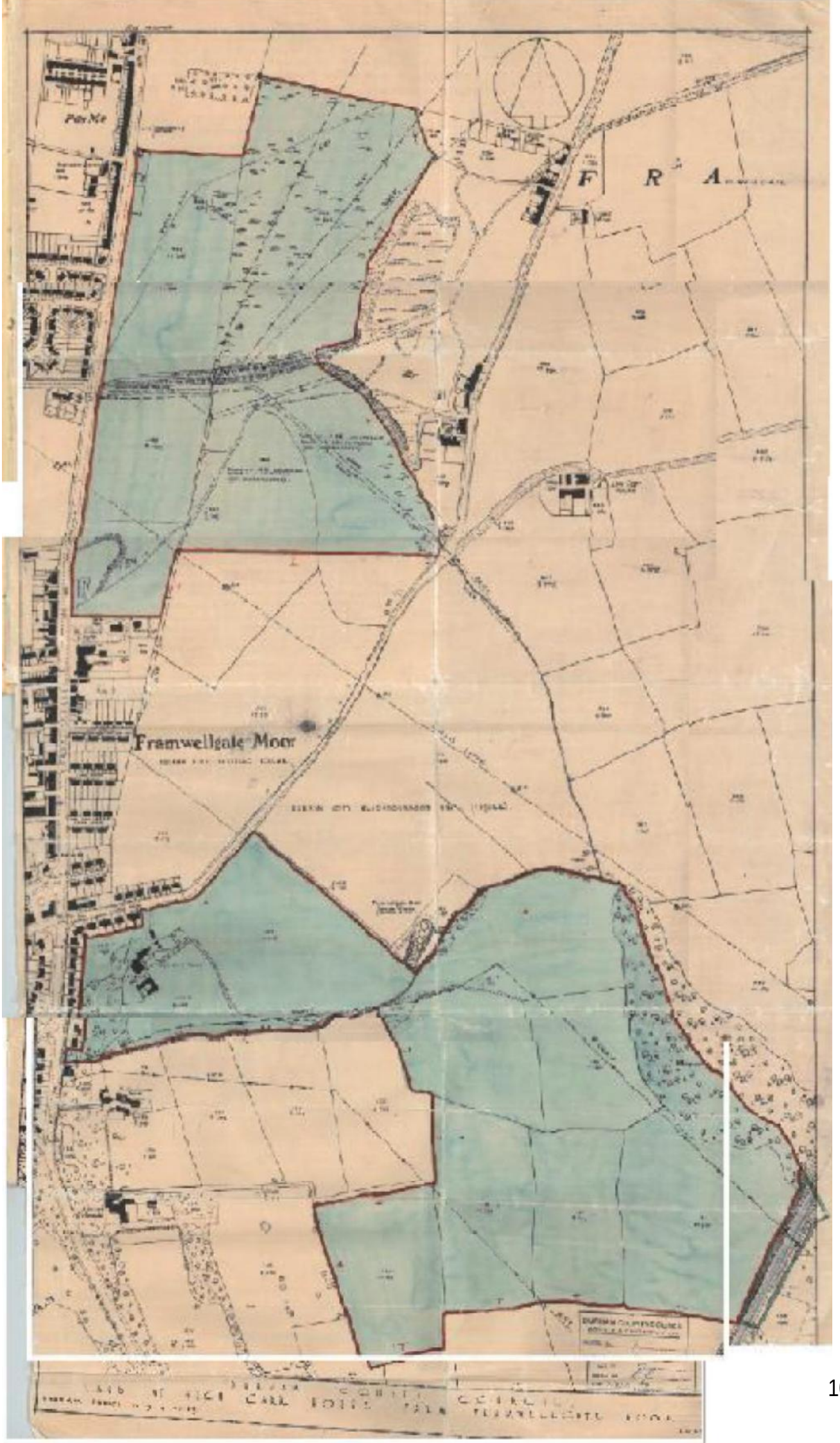
J.K. Hope
Shire Hall
Durham.

"MEMORANDUM BY a Deed of Grant (executed in duplicate) dated the 19th day of December January 1977 made between The County Council of Durham (1) and The North Eastern Electricity Board ("the Board") (2) full right and liberty was granted to the Board to lay and maintain electric lines and apparatus in and under part of the within described property and the right of the Board to production of the within written conveyance was thereby acknowledged.

MEMORANDUM - By a Conveyance dated the 4th day of May 1973 and made between the City Council of Durham of the one part and George Martin and Kathleen Martin of the second part All that piece of land shown coloured Pound red on the plan attached thereto together with the dwelling house erected on the said land and known as No 4 High Carr Close Framwellgate Moor in the County of Durham To gether with a right of way over the land shown brown on the said plan being part of the land comprised in the within written Conveyance and reserved and subject as therein mentioned) Conveyed unto the said George Martin and Kathleen Martin as Joint Tenants

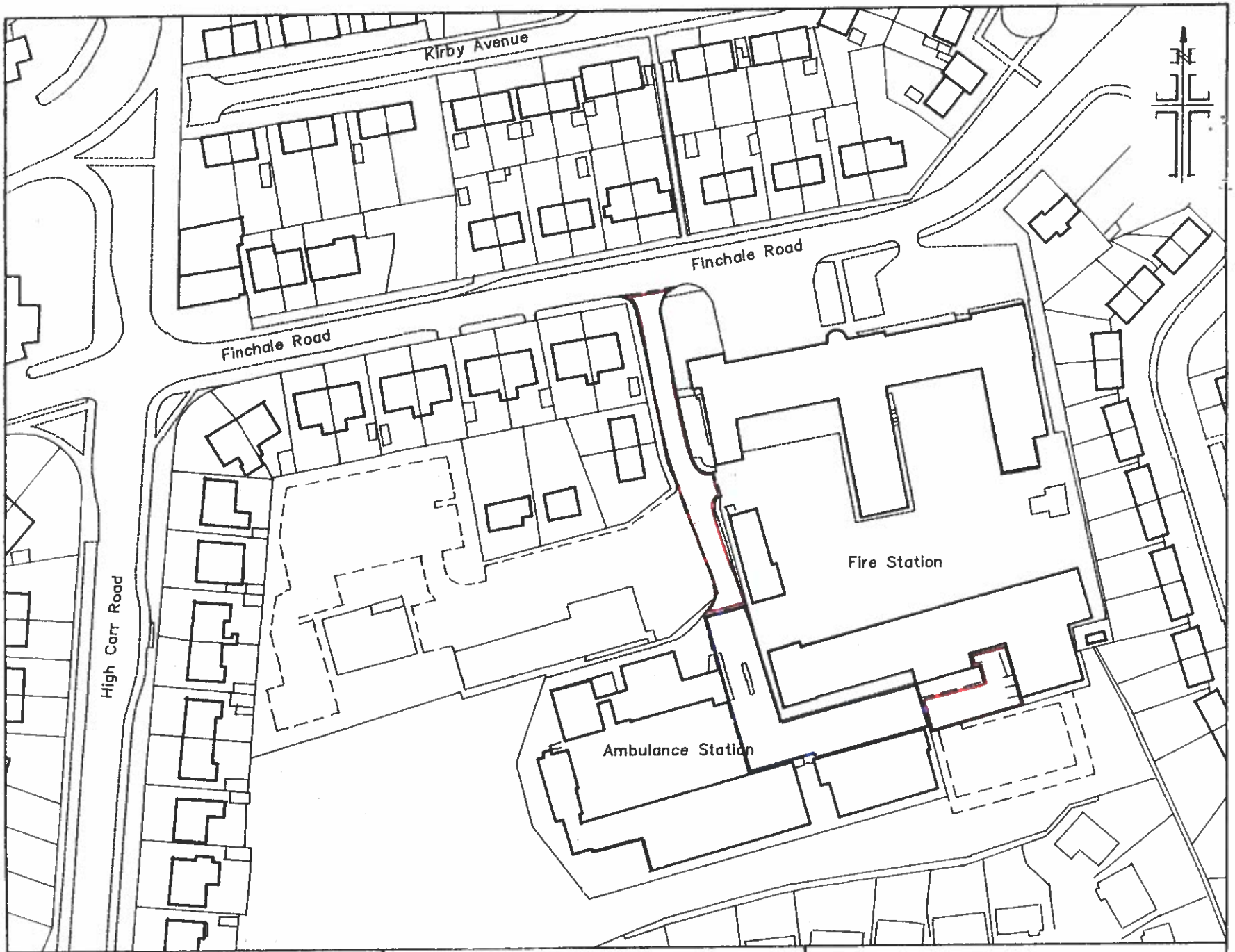
F1/0077-/0019

1028


Framwellgate Moor

MEMORANDUM

By a Deed of Grant dated 17th August 1998 and made between COUNTY DURHAM AND DARLINGTON FIRE AND RESCUE AUTHORITYof the one part and DURHAM COUNTY AMBULANCE SERVICE NATIONAL HEALTH SERVICE TRUST of the other part rights over the land hatched red and edged blue was granted



FIRE AUTHORITY LAND

FRAMWELLGATE MOOR

High Carr Close – Access Road

Durham County Council

ROGER HUMPHRIES LL.B.

Memorandum annexed to Conveyance dated
12th July 1951 made between
(1) Alfred Swinburn and
(2) The County Council of Durham

MEMORANDUM: By virtue of the various deeds and documents the nature of which are mentioned in Column (3) below made on the date appearing in Column (1) below between the County Council of Durham of the one part and the person whose name appears in Column (2) below of the other part the property or rights and liberties described in Column (4) below (forming or affecting part of the property within described) was or were conveyed demised or granted for the estate specified in Column (5) below to such person as aforesaid and where necessary an appropriate acknowledgement for production of the within-written deed was given

Date	Party	Nature of Deed	Property	Estate	File No.
10th May 1991	Secretary of State for the Environment	Lease	Part of Constabulary Headquarters & Playing Fields at Aykley Heads Durham	Term of 6 years from 1st January 1990	61485

~~DRAFT~~ MEMORANDUM ~~to be endorsed on~~/attached to a Conveyance~~/Assent~~ dated the Twelfth day of July 1951. and made between (1) Alfred Swinburn and (2) the County Council of Durham

MEMORANDUM

By a Conveyance dated the Ninth day of November 1984 the County Council of Durham conveyed to Fabar Construction Limited in fee simple ALL THAT piece or parcel of land containing 8·05 acres or thereabouts ~~together with the property erected thereon known as~~ situate at Front Street, Pity Me in the County of Durham shown edged red on the plan attached ~~thereto~~ being part of the within described property and acknowledged ~~his/her~~/their right to production and delivery of copies of the within written Conveyance~~/Assent~~

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in HM Land Registry, which have not been completed against this title.

Official copy of register of title

Title number DU285400 | Edition date 29.03.2018

This official copy shows the entries on the register of title on 05 APR 2018 at 12:01:50.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 24 Oct 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Durham Office.

A: Property Register

This register describes the land and estate comprised in the title.

COUNTY DURHAM

1 (08.11.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at Aykley Heads, Durham (DH1 5TS).

NOTE: The land tinted green on the title plan is not included in this title.

2 (08.11.2005) The mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.

3 (08.11.2005) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of other land dated 15 July 1992 made between (1) The County Council of Durham and (2) Rivergreen Homes Limited:-

"Rights granted

The property is transferred together with the rights set out in the Second Schedule

Rights reserved

There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Third Schedule

THE SECOND SCHEDULE

1. The right to lay and maintain at its own expenses the First Drain and to use the same

2. The right to connect at its own expense the First Drain into the existing surface water drain at point Q on the Plan and to use such existing surface water drain PROVIDED that the Purchaser shall construct at its own expense and to the reasonable satisfaction of the Vendor an inspection chamber with manhole cover at the said point Q

3. The right to lay and maintain at its own expense the Second Drain together with manholes inspection chambers and temporary stopper at a

A: Property Register continued

minimum depth of 900 mm in a position to be agreed between the parties hereto and to use the Second Drain

4. The right to lay and maintain at its own expense the Sewer in a position to be agreed between the parties hereto at a maximum distance of 5 metres from the northern boundary of the Property and to use the same

5. The right to connect the Sewer to the Private Foul Sewer and to use the private Foul Sewer on condition that the Purchaser pays a fair proportion according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning that section of the Private Foul Sewer between the points X and Y on the Plan the proportion in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

6. The right to enter onto the Retained Land for the following purposes:-

6.1 to carry out any works required in the exercise of the rights granted in clauses 1 to 5 inclusive

6.2 to repair renew maintain inspect replace and clean the Private Foul Sewer the Sewer the First Drain and the Second Drain

THIRD SCHEDULE

1. The right to retain the Private Foul Sewer under the Property and to use the same

2. The right to connect into the First Drain and the Second Drain (such connections to be made on the Retained Land) and to use the same but only to the extent that such additional use does not cause the capacity of the First Drain or the Second Drain to be exceeded and on condition that the Vendor pays fair proportions according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning the First Drain and the Second Drain the proportions in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

3. The right to enter onto the Property to repair renew maintain inspect replace and clean the Private Foul Sewer

4. The right to connect into the Sewer (such connection to be made in the Retained Land) and to use the same but only to the extent that such additional use does not cause the capacity of the Sewer to be exceeded and on condition that the Vendor pays a fair proportion according to user of the costs of repairing renewing maintaining inspecting replacing and cleaning the Sewer the proportion in case of difference to be determined by a single arbitrator appointed under the Arbitration Acts 1950 and 1979 or any statutory modification or replacement thereof for the time being in force

5. The right to erect construct lay renew enlarge or alter at any time without obtaining any consent from or making any compensation to the Purchaser any buildings structures or works in or upon the Retained Land or to deal as the Vendor may think fit with any such land or premises notwithstanding that the buildings structures and works so erected constructed laid renewed enlarged or altered may obstruct or interfere with any right to access of light or air for the time being appertaining to or enjoyed with the Property

Interpretation and references

2.1 Such of the rights hereby granted and reserved which could arise in the future shall be limited to arise within the period of eighty years from the date of this Transfer which shall be the perpetuity period for the purposes of this Transfer

A: Property Register continued

2.2. References to the Property and to the Retained Land shall include a reference to all or any part or parts thereof

2.3 Any rights granted to the Purchaser or reserved by the Vendor may also be exercised by any person expressly or by implication authorised by the Purchaser or the Vendor and also by any person who is or who becomes entitled to use such rights."

¬NOTE: Copy plan filed.

4 (08.11.2005) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of other land dated 28 March 1994 made between (1) The County Council of Durham and (2) Wimpey Homes Holdings Limited:-

"Interpretation and references

2.1 Such of the rights hereby granted and reserved which could arise in the future shall be limited to arise within the period of eighty years from the date of this Transfer which shall be the perpetuity period for the purpose of this Transfer

2.2 References to the Property and to the Retained Land shall include a reference to all or any part or parts thereof

2.3 Any rights granted to the Purchaser or reserved by the Vendor may also be exercised by any person expressly or by implication authorised by the Purchaser or the Vendor and also by any person who is or who becomes entitled to use such rights

Rights Granted

The Property is transferred together with the rights set out in the Second Schedule

Rights Reserved

There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Third Schedule

SECOND SCHEDULE

(Rights and Liberties Granted)

1. A right of way (in common with the Vendor its agents and servants and all other persons who have or may hereafter have the like right) until such time as the same are taken over by the Highway Authority so as to be maintainable at public expense for the sole purpose of obtaining access to and egress from the part of the Property shown circled 'A' and stippled on Plan A only for the Purchaser and its successors in title and all other persons who have or may hereafter have the like right to go and return along upon and over the spur road shown coloured brown on Plan A

THIRD SCHEDULE

(Rights and Liberties Reserved)

Excepting and reserving unto the Vendor in fee simple for the benefit of the Vendor's adjoining or neighbouring property and any part or parts thereof capable of being benefited thereby full right and liberty for the Vendor and all others entitled or authorised by them:-

1. To the free passage and running of water soil gas electricity drainage and any other service or supply through and use of the sewers drains culverts watercourses pipes cables stabilising cables wires or other channels or conductors now laid or to be laid in under or over the Property with liberty for the Vendor and others entitled or authorised by the Vendor to enter thereon with or without vehicles and apparatus for the purposes of making connections with repairing

A: Property Register continued

renewing altering reinstating maintaining inspecting or cleansing all or any of such sewers drains culverts watercourses pipes cables stabilising cables wires channels or conductors

SUBJECT TO the person exercising such right causing no unnecessary damage or disturbance and forthwith making good any damage or disturbance caused thereby to the Property

2. A right of way until adoption of the same as highways maintainable at the public expense (in common with the Purchaser and all others having a like right) for the Vendor and all others authorised by them over and along the footpaths and roads constructed or to be constructed upon the Property or upon any part thereof save for those (if any) within the curtilage of any individual residential plot and not intended to be so adopted

3. At all reasonable times to enter so much of the Property as is necessary with or without vehicles and apparatus for the purpose of inspecting the state and condition of or repairing rebuilding or maintaining adjoining premises or adjoining roadways or for the purpose of the removal or alteration of any works not erected or constructed in accordance with plans specifications or proposals as hereinafter provided SUBJECT to the person exercising such right causing no unnecessary damage or disturbance and forthwith making good any damage or disturbance caused thereby to the Property

4. The right for the Vendor and its successors in title the owners and occupiers for the time being of all or any part of the Vendor's Retained Land and their respective servants and licensees and all other persons who have or may hereafter have the like right to pass and repass from time to time and at all times hereafter by day or night and for all purposes connected with the present or any future use and enjoyment of the Retained Land or other adjoining land with or without vehicles or apparatus of any description and with or without animals from and to the public highways called High Carr Road and Durham Road aforesaid and also the Aykley Heads Northern Distributor Road aforesaid over along and across those parts of the Property shown coloured in yellow and also coloured in pink respectively on Plan A and also any roadway and/or footpath which are now or may be constructed on the said parts of the Property in accordance with the plans drawings and specifications submitted to and approved by the Local Planning Authority ("the Authorised Plans")

5. The right to the Vendor notwithstanding anything to the contrary herein to deal with the Vendor's other lands in such parcels and upon such terms and conditions and subject to or free from any restrictions as the Vendor may think fit and the Purchaser shall not be released from any of the covenants and stipulations herein nor shall the right of the Vendor to enforce any such covenants and stipulations be affected in any way by reason that the Vendor's other lands shall have been sold or demised or contracted to be sold or demised without covenants and stipulations similar to those contained herein or that such other lands of the Vendor are being used in a manner and for a purpose inconsistent with the covenants and stipulations herein and the Purchaser shall not be entitled to inspect any assurance executed by the Vendor in favour of any other purchaser

6. The right (but without imposing any obligation to carry out any of the works mentioned in this paragraph) for the Vendor its servants and agents and others authorised by it or them with or without vehicles plant and equipment at all reasonable times of which previous notice shall have been given in writing to enter onto so much of the part of the Property shown coloured pink on Plan A as is necessary to lay construct and erect therein in such position as the Vendor shall reasonably determine to adoptable standards a road together with footpaths lighting columns drains sewers and to carry out any associated works SUBJECT TO making good any damage or any disturbance caused to the land coloured pink on the Plan PROVIDED ALWAYS that any road constructed by the Vendor pursuant to the rights hereby granted shall not obstruct or interfere with any road constructed or to be constructed by the Purchaser on the land shown coloured pink on Plan A pursuant to the provision of this clause

A: Property Register continued

7. The right at all times hereafter for the Vendor its servants and agents and others authorised by it or them to use on foot only the footpaths and with or without vehicles the road constructed or to be constructed in pursuance of the rights set out in paragraph 6 of this Schedule pending their adoption as a road and footpaths maintainable at the public expense subject to making good any damage or disturbance to the said road footpaths and lighting columns.

8. The right for the Vendor its servants and agents and others authorised by it or them with or without vehicles plant and equipment at all reasonable times and upon giving reasonable notice (except in case of emergency) to enter upon so much of the Property as is reasonably necessary:-

8.1 To construct inspect maintain repair reinstate or renew:

8.1.1 A stone wall between the points H and J marked on Plan A

8.1.2 The surface water drain laid in the adjoining land to the south of the boundary of the Property between the points H and J marked on Plan A

8.2 To remove the aforesaid surface water drain and relay the same in such positions as shall be reasonably required or approved by the Vendor to the west of the said adjoining land and also within the part of the Property shown cross hatched black on Plan A together with all necessary work associated therewith

SUBJECT TO the person exercising any of the aforesaid rights making good any damage caused thereby or if such damage cannot be made good paying reasonable compensation in lieu thereof".

NOTE 1: The retained land referred to has been tinted pink on the title plan

¬NOTE: Copy plan filed.

5 (08.11.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of other land dated 2 June 2004 made between (1) The County Council of Durham and (2) Sunderland Marine Mutual Insurance company Limited.

¬NOTE: Copy filed under DU272953.

6 (08.11.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of other land dated 31 March 2005 made between (1) The County Council of Durham (Transferor) and (2) Rivergreen Limited (Transferee).

¬NOTE: Copy filed under title DU281163

7 (20.01.2006) A new title plan showing a revised extent has been prepared.

8 (30.11.2012) By a Deed dated 21 November 2012 made between (1) Durham Police Authority (2) The County Council of Durham and (3) Sunderland Marine Mutual Insurance Company Limited the rights contained in a Deed of Grant dated 8 October 2004 made between the same parties have been varied.

¬NOTE: Copy filed under DU285291.

9 (01.08.2016) The land has the benefit of any legal easements granted by a Deed dated 1 August 2016 made between (1) The Office of the Police and Crime Commissioner for Durham (Grantor) and (2) The County Council of Durham (Grantee).

¬NOTE: Copy filed under DU285291.

10 (17.07.2017) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (08.11.2005) PROPRIETOR: THE COUNTY COUNCIL OF DURHAM of Legal Services, County Hall, Durham DH1 5UL.

2 (08.11.2005) An Agreement for the sale of Site 5 Aykley Heads dated 6 April 2004 made between (1) The County Council of Durham (Seller) and (2) Sunderland Marine Mutual Insurance Company Limited (Buyer) contains Seller's personal covenants contained in clauses 28.3 to 28.5 inclusive.

¬NOTE 1: Extract and plans from the Agreement filed

By a Supplemental Agreement dated 11 February 2005 made between (1) The County Council of Durham (Seller) and (2) Sunderland Marine Mutual Insurance Company Limited (Buyer) the Sellers personal covenants were varied as therein mentioned.

¬NOTE 2: Copy Filed.

3 (08.11.2005) A Transfer dated 2 June 2004 referred to in the property register contains Vendor's personal covenants.

4 (24.06.2016) RESTRICTION: No disposition of the Easement Area referred to in the Deed of Easement of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by a Conveyancer that the provisions of paragraph 4 of Schedule 3 of the Deed of Easement dated 17 June 2016 referred to in the Charges Register have been complied with or that they do not apply to the disposition.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (08.11.2005) The land is subject to the following rights granted by a Conveyance of other land dated 14 August 1967 made between (1) The County Council of Durham and (2) The Mayor Aldermen and Citizens of the City of Durham and Framwelgate:-

"TOGETHER WITH the right and easement mentioned in clause 2 hereof

2. There is included in this Conveyance the right for the Corporation at all times to enter upon and use all or any part of the pieces or parcels of land situate at Framwelgate aforesaid comprising the whole three thousand eight hundred and two square yards or thereabouts and for the purpose of identification coloured green on the plan annexed hereto for or in connection with the formation of an embankment for highway purposes."

¬NOTE: Copy plan filed.

2 (08.11.2005) The land is subject to the rights contained in a Deed of Grant dated 28 December 1967 made between (1) The County Council of Durham (Grantor) and (2) Northern Gas Board (Grantee).

¬NOTE: Copy filed.

3 (08.11.2005) The land is subject to the rights contained in a Deed of Grant dated 19 January 1977 made between (1) The County Council of Durham (Grantor) and (2) The North Eastern Electricity Board (Grantee).

¬NOTE: Copy filed.

4 (08.11.2005) The land is subject for a term of 60 years from 28 October 2005 to the right of way granted by a Lease of Easements dated 28 October 2005 made between (1) The County Council of Durham and (2)

C: Charges Register continued

Northern Electric Distribution Limited.

¬NOTE: Copy filed under DU285291.

5 (08.11.2005) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

6 (19.04.2006) By a Deed dated 26 January 2006 made between (1) The County Council of Durham and (2) Rivergreen Limited the terms of the lease dated 23 June 1994 of land at Aykley Heads referred to in the schedule of leases hereto were varied.

¬NOTE: Copy Deed filed under DU193694.

7 (16.04.2010) The land is subject to the easements granted by a Lease of the land edged and numbered 1 in blue (part of) part of the ground floor dated 15 April 2010 made between (1) The County Council Of Durham and (2) The Sports Council Trust Company for a term of 6 years from 15 June 2009.

¬NOTE:-Copy filed.

8 (12.08.2014) The land is subject to the rights granted by a Deed of Grant dated 8 August 2014 made between (1) The County Council Of Durham and (2) Northern Powergrid (Northeast) Limited.

The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed.

9 (24.06.2016) The land is subject to any rights that are granted by a Deed of Easement dated 17 June 2016 made between (1) The County Council of Durham and (2) The Office of the Police and Crime Commissioner for Durham and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU285291.

10 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) William Dixon and Cordelia Dixon and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365480.

11 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Brian William Hill and Susan Elizabeth Hill and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365483.

12 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Stephen Nigel MacQuarrie and Marion Birgit MacQuarrie and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365482.

13 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Ian Peacock and June Denise Peacock and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed DU365486.

14 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) David Peter Lionel Herring and Julie Kate Oliver and affect the registered land.

C: Charges Register continued

The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365487.

15 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Paul Jordan and Janet Jordan and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365489.

16 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Hugh Thompson and Diane Thompson and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365484.

17 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) William Gerard Keating and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365485.

18 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Mary Gibson Smith and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365481.

19 (29.03.2018) The land is subject to any rights that are granted by a Deed dated 27 November 2017 made between (1) The County Council Of Durham and (2) Ian Burns and Patricia Ann Burns and affect the registered land.
The said Deed also contains restrictive covenants by the grantor.

¬NOTE: Copy filed under DU365488.

Schedule of notices of leases

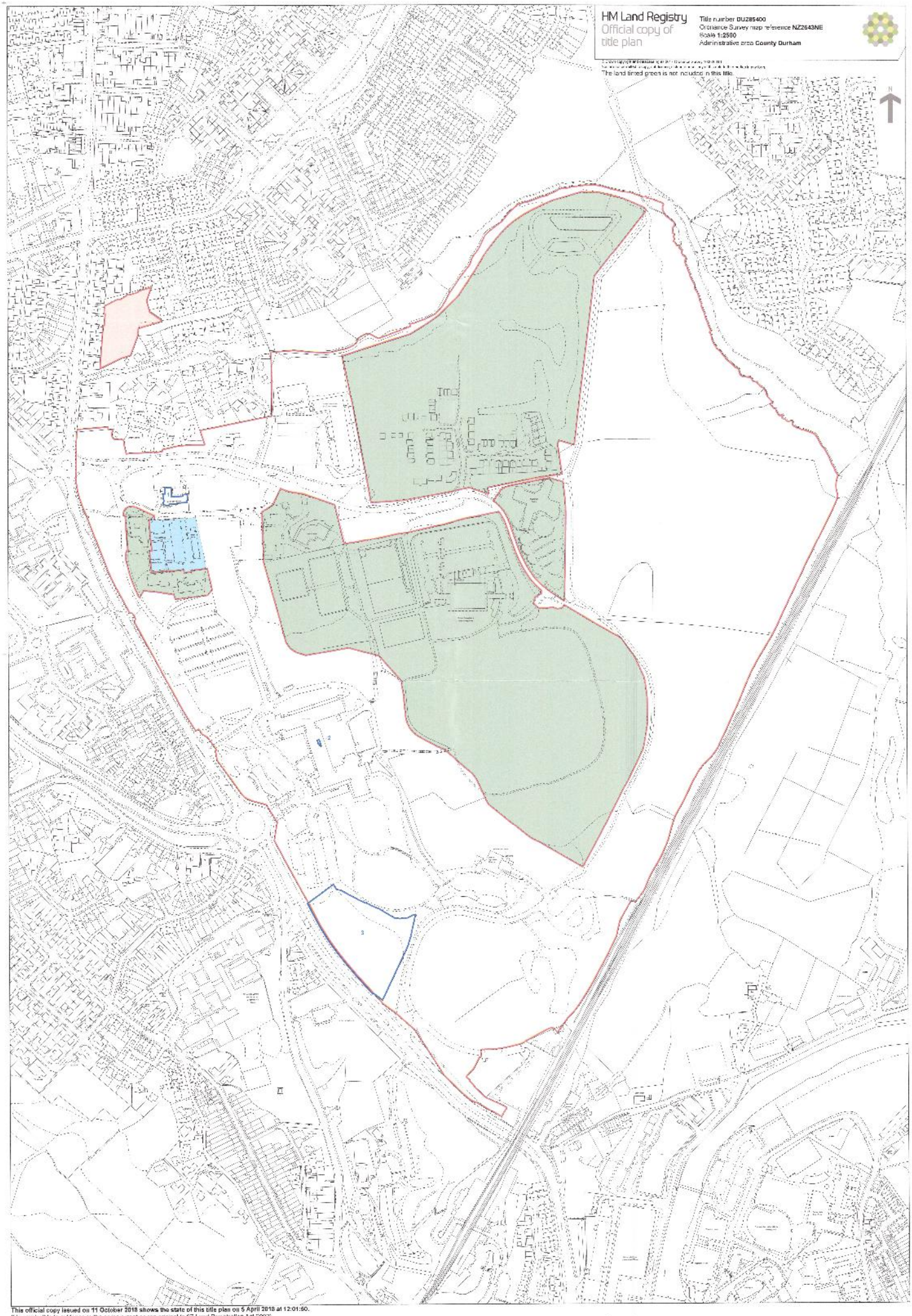
1	08.11.2005 tinted blue	Aykley Heads Business Centre	23.06.1994 150 years from and including 23 June 1994	DU193694

NOTE 1: Lease includes other land

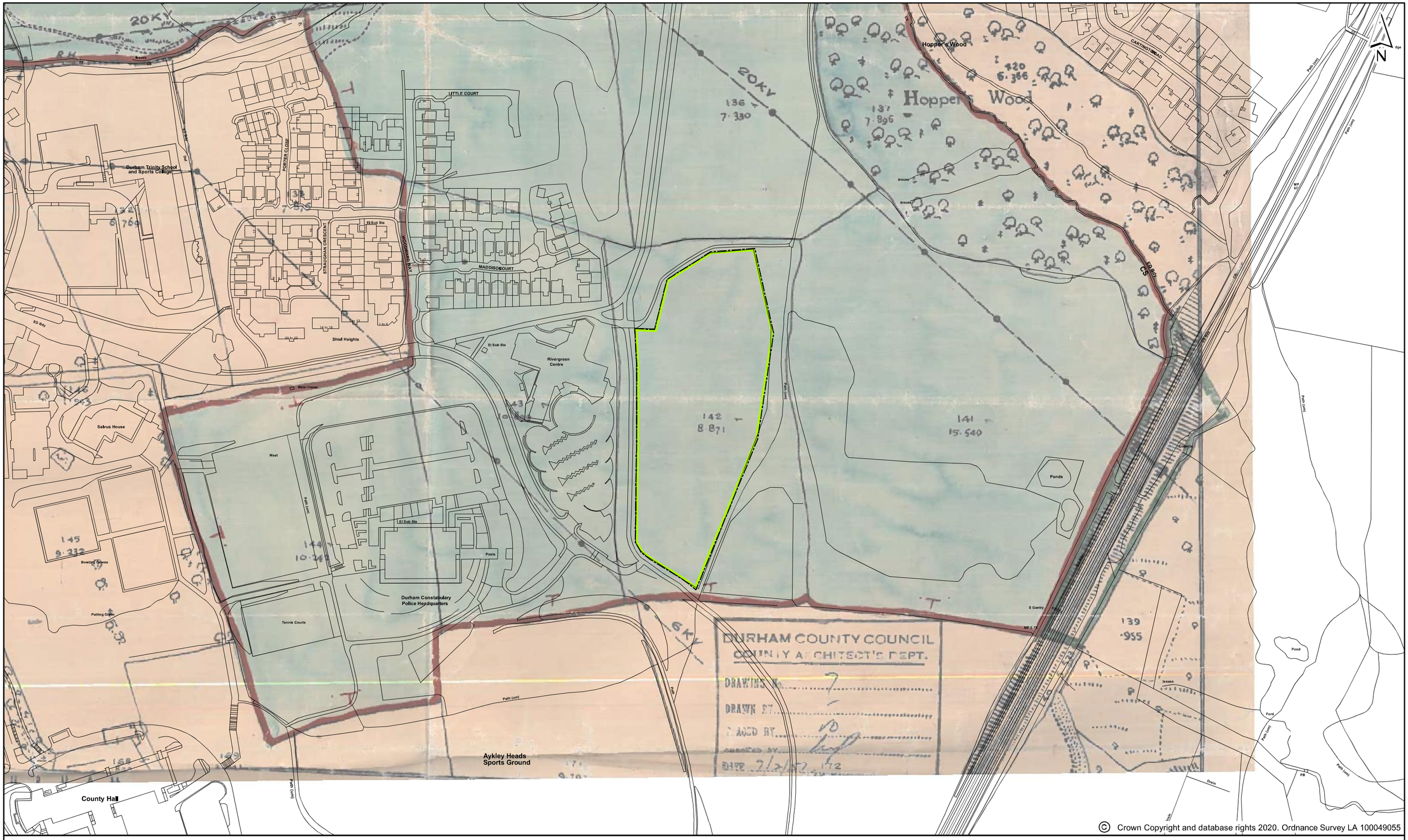
NOTE 2: See entry in the Charges Register relating to a Deed of Variation dated 26 January 2006

2	21.12.2007 edged and numbered 2 in blue (part of)	Telecommunications Control Room (penthouse level only)	16.11.2007 from and including 27/08/2006 to and including 26/08/2016	DU307298
3	02.11.2016 Edged and numbered 3 in blue	land on the north east side of Framwellgate Peth	26.10.2016 125 years from 1.11.2016	DU359412

End of register



This official copy issued on 11 October 2018 shows the state of this title plan on 5 April 2018 at 12:01:50.
It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.
This title is dealt with by HM Land Registry, Durham Office.



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Conveyance overlay plan

Based Upon O.S Map : NZ2743. Date: 29/01/2020. Scale : 1:2,500. Paper Size: A3

UPRN : N/A. Plan Ref : ARC-20-036.

0 150 300 600 Meters

REGENERATION AND
LOCAL SERVICES.
COUNTY HALL,
DURHAM, DH1 5UJ.
TEL 03000 260 000
CORPORATE PROPERTY AND LAND

Durham County Council

C21

Appropriation of Land

Memorandum: The Head of Corporate Estates in exercise of his delegated powers (Standing Orders - Third Schedule Part B Paragraph 2.27.2) has on the 22nd day of February 2008 approved the appropriation from the purpose stated in Column (1) below to the purpose stated in Column (2) below of the land situate at Aykley Heads Estate in the City and County of Durham containing 17.05 hectares (42 acres) or thereabouts and delineated on the plan attached hereto and thereon edged red being part of the premises comprised in Title No. DU285400.

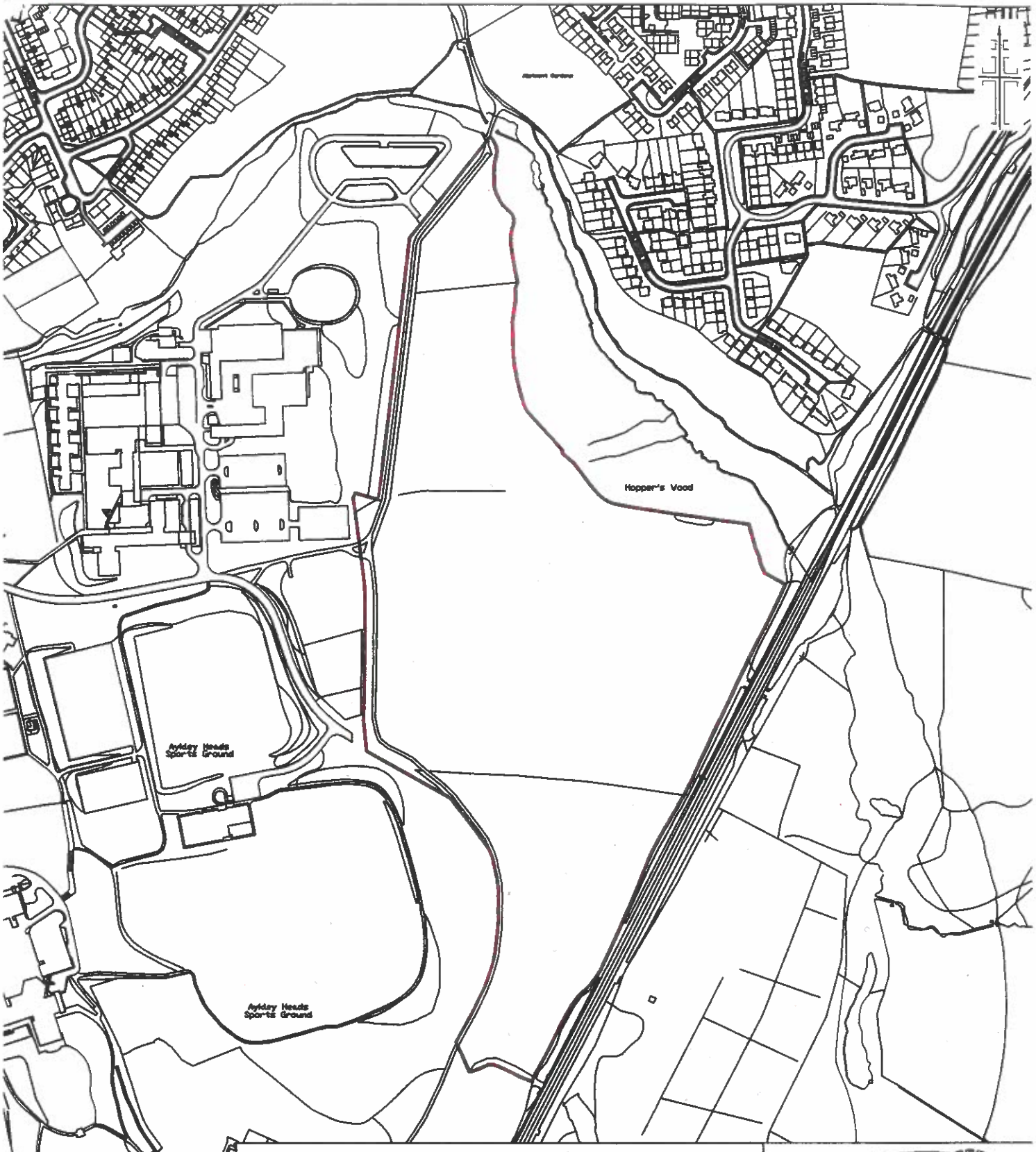
(a copy of the Record of Delegated Power Form is attached)

Column (1)	**Column (2)**
Local Government Act 1972	**Countryside Act 1968**

Signed: M.E.H. .....

County Hall
Durham

5th March 2008



VALLEY OF RIVER WEAR

FORESTRY PROJECT, AYKLEY HEADS

Scale : 1/5000

Plan Ref: D0-07-237 Date: 09/11/07

Based upon O.S. Map NZ2343, NZ2344. Crown copyright. All rights reserved.
Durham County Council. LA 100019779. 2007.

metres

100 0 100 200 300 400 500 600

DURHAM COUNTY COUNCIL

Making a difference where you live

LESLEY DAVIES
CORPORATE SERVICES
COUNTY HALL, DURHAM DH1 5UL
TEL 0191 3833000
ESTATE DIVISION

DURHAM COUNTY COUNCIL

RECORD OF THE EXERCISE OF A CHIEF OFFICER'S DELEGATED POWER

NAME OF DEPARTMENT	Corporate Services
FILE REFERENCE	RL312/1
THIRD SCHEDULE PARAGRAPH REFERENCE	3.28
SUBJECT MATTER	Appropriation of land from Planning and from Finance to Countryside use for the Mineral Valleys Project
CONFIDENTIALITY (Exemption Paragraph where applicable)	Exempt information under Part 1of Schedule 12A to the Local Government Act 1972 Paragraph 3
CONSULTATIONS (If any)	Councillors Hodgson, Pendlebury, Myers, Ebbatson, Chaplow, Armstrong, Forster, Wright and Martin were notified by letter on 8th February 2008

DECISION TAKEN (With reasons unless fully detailed on file)	Approved under Delegated Powers
DATE OF DECISION	22/2/08
SIGNATURE & DESIGNATION OF OFFICER MAKING DECISION	K Pearson *(Acting Director of Corporate Services)*

Durham County Council

Cabinet Briefing Pro Forma – Please complete all sections

Report for Cabinet Briefing on	
Title of Report	Appropriation of Land Mineral Valley Project
Report of	Lesley Davies Acting Director of Corporate Services
Lead Portfolio Holder ***and the date consulted with the report*** Michele Hodgson	
Section 1 – Policy or Political Items □	**Section 2** – Routine Business □
Is the Report Open to the Public (**Part A**) □	
Is the Report Exempt (**Part B**) – if so please specify the exemption paragraph and the reasons for exemption applying the **Public Interest Test** □ Para 3 **(Please refer to the Access to Information Requirements that came into force from 1 March 2006 and the internal Guidance that has been issued in this respect)**	
Under What **Section of the Agenda** is the Report to be placed?	Corporate □ Communities □ Economy □ Environment □ Lifelong Learning □
What Type of **Decision** is Required?	Key (Plans/Strategies) □ Key (other) □ Ordinary □ None □
If a **Key Decision**, has this been included in the County Council's Forward Plan	Yes □ Date Reference Number – No □ (Please complete box below)
If a **Key Decision** is required but it has **not** been included in the Forward Plan please specify the reason why it would be **impracticable to defer** the decision until it has been included in the next Forward Plan (Please refer to Paragraphs 15 of the Access to Information Procedure Rules, as detailed in the Constitution under General Exception)	

DELEGATED CP255

Not for Publication Exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 Paragraphs

Record of the Exercise of a Chief Officers Delegated Power

DURHAM COUNTY COUNCIL

Appropriation
Mineral Valleys Project

Report of Lesley Davies, Acting Director of Corporate Services [Cabinet Portfolio Member for Corporate Services, Libraries and Culture, Councillor Michele Hodgson]

Purpose of the Report

1 To report terms for the appropriation of various areas of land required for the above-mentioned project.

Background

2 The Corporate Director of Environment is promoting a tree planting scheme on various sites within the County. It is therefore necessary to appropriate 7 sites from Planning to Countryside use and one site from Finance to Countryside use in order to facilitate the scheme.

Current Position

3 The land that will need to be appropriated is described below:-

Recommendations and Reasons

4 It is therefore recommended that the land described in column (1) be appropriated from the statutory purpose described in column (2) to the statutory purpose described in column (3)

Description	Statutory Purpose for which now held	Statutory Purpose to which to be appropriated
17.69 hectares (43.71 acres) or thereabouts of land at Brancepeth Waste Heap Willington	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		
6.25 hectares (15.4 acres) or thereabouts of land at Newfield Village Reclamation Site	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		

Description	Statutory Purpose for which now held	Statutory Purpose to which to be appropriated
9.69 hectares (23.9 acres) or thereabouts of land at Ushaw Moor and New Brancepeth Reclamation Site	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		
5.9 hectares (14.8 acres) or thereabouts of land at Durham Broompark Reclamation Site	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		
19.37 hectares (47.86 acres) or thereabouts of land at Cornsay Colliery Reclamation Site.	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		
4.05 hectares (10 acres) or thereabouts of land at Burnhope Sewage Works Reclamation Site	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		
52.5 hectares (130 acres) or thereabouts of land at Sacriston Daisy Hill Reclamation Site	Town and Country Planning Act 1990	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		
17.05 hectares (42 acres) or thereabouts of land at Durham Aykley Heads Estate	Local Government Act 1972	Countryside Act 1968
The valuation for appropriation purposes is [redacted]		

Background Paper(s)
Valuation Sheet

Contact: Don Hutchinson Ref: EST/RL312/1/DH(CP) Tel: 0191 3833710

DELEGATED CP255

Appendix 1: Implications

Local Government Reorganisation
(Does the decision impact upon a future Unitary Council?)

None

Finance

Valuation sum for appropriation purposes

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and disorder

None

Sustainability

None

Human rights

None

Localities and Rurality

None

Young people

None

Consultation

Councillors M Hodgson, R Pendlebury, B Myers, B Ebbatson, J Chaplow, J Armstrong, T Forster, A Wright and N Martin were notified by letter on 8 February 2008.

Health

None

CC00050

DATED 10th October 2019

LICENCE TO OCCUPY ON SHORT TERM BASIS

relating to the area known as Aykley Heads

between

THE COUNTY COUNCIL OF DURHAM

and

THE FIX UK LIMITED

CONTENTS

CLAUSE

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SCHEDULE

SCHEDULE RIGHTS GRANTED TO LICENSEE 7

THIS LICENCE is dated 10th October 2019

PARTIES

(1) THE COUNTY COUNCIL OF DURHAM of County Hall Durham DH1 5UL (**Licensor**).

(2) THE FIX UK LIMITED of 31 Ashley Road, Epsom, KT18 5BD (**Licensee**).

AGREED TERMS

1. **INTERPRETATION**

The following definitions and rules of interpretation apply in this licence.

1.1 Definitions:

Property: all that land and known as Aykley Heads shown edged Red on the Plan excluding access to any buildings.

Common Parts: such roads, paths, and other means of access in or upon the Property the use of which is necessary for obtaining access to and egress from the Property as designated from time to time by the Licensor.

Competent Authority: any statutory undertaker or any statutory public local or other authority or regulatory body or any court of law or government department or any of them or any of their duly authorised officers.

Licence Fee: £50.00

Designated Hours: 6am until 1pm

Licence Fee Commencement Date: the date hereof

Licence Period: the period from and including 2nd November 2019 until the date on which this licence is determined in accordance with clause 5.

Necessary Consents: all planning permissions and all other consents, licences, permissions, certificates, authorisations and approvals whether of a public or private nature which shall be required by any Competent Authority for the Permitted Use.

Permitted Use: for the use of 5k Fun Run and for no other purpose.

Plan: the plan attached to this licence.

VAT: value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

1.2 Clause, Schedule and paragraph headings shall not affect the interpretation of this licence.

1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).

1.4 The Schedule forms part of this licence and shall have effect as if set out in full in the body of this licence. Any reference to this licence includes the Schedule.

1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

1.7 A reference to laws in general is a reference to all local, national and directly applicable supra-national laws as amended, extended or re-enacted from time to time and shall include all subordinate laws made from time to time under them and all orders, notices, codes of practice and guidance made under them.

1.8 Unless otherwise specified, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time and shall include all subordinate legislation made from time to time under that statute or statutory provision and all orders, notices, codes of practice and guidance made under it.

1.9 A reference to **writing** or **written** excludes fax and e-mail.

1.10 Any obligation on a party not to do something includes an obligation not to allow that thing to be done and an obligation to use best endeavours to prevent that thing being done by another person.

1.11 References to clauses and Schedules are to the clauses and Schedules of this licence and references to paragraphs are to paragraphs of the relevant Schedule.

1.12 Any words following the terms **including**, **include**, **in particular**, **for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

1.13 Unless expressly provided otherwise, the obligations and liabilities of the Licensee under this licence are joint and several.

1.14 A **working day** is any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

2. LICENCE TO OCCUPY

2.1 Subject to clause 3 and clause 5, the Licensor permits the Licensee to occupy the Property for the Permitted Use for the Licence Period in common with the Licensor and all others authorised by the Licensor (so far as is not inconsistent with the rights given to the Licensee to use the Property for the Permitted Use) together with the right[s] mentioned in the Schedule.

2.2 The Licensee acknowledges that:

(a) the Licensee shall occupy the Property as a licensee and that no relationship of landlord and tenant is created between the Licensor and the Licensee by this licence;

(b) the Licensor retains control, possession and management of the Property and the Licensee has no right to exclude the Licensor from the Property;

(c) the licence to occupy granted by this agreement is personal to the Licensee and is not assignable and the rights given in clause 2 may only be exercised by the Licensee and those authorised by it; and

3. LICENSEE'S OBLIGATIONS

The Licensee agrees and undertakes:

(a) to pay:

(i) to the Licensor the Licence Fee

(ii) to the relevant suppliers all costs in connection with the supply and removal of services and utilities to or from the Property;

(b) to keep the Property clean, tidy and clear of rubbish;

(c) not to use the Property other than for the Permitted Use;

(d) not to make any alteration or addition whatsoever to the Property;

(e) not to display any advertisement, signboards, nameplate, inscription, flag, banner, placard, poster, signs or notices at the Property without the prior written consent of the Licensor;

(f) not to do or permit to be done on the Property anything which is illegal or which may be or become a nuisance (whether actionable or not), annoyance, inconvenience or disturbance to the Licensor or to tenants or occupiers of the Property or any owner or occupier of neighbouring property;

(g) not to cause or permit to be caused any damage to:

(i) the Property, or any neighbouring property; or

(ii) any property of the owners or occupiers of the Property, or any neighbouring property;

(h) not to obstruct the Common Parts, make them dirty or untidy or leave any rubbish on them,

(i) not to apply for any planning permission in respect of the Property;

(j) not to do anything that will or might constitute a breach of any Necessary Consents affecting the Property or which will or might vitiate in whole or in part any insurance effected by the Licensor in respect of the Property from time to time;

(k) to comply with all laws and with any recommendations of the relevant suppliers relating to the supply and removal of electricity, gas, water, sewage, telecommunications and data and other services and utilities to or from the Property;

(l) to observe any rules and regulations the Licensor makes and notifies to the Licensee from time to time governing the Licensee's use of the Property and the Common Parts;

(m) to leave the Property in a clean and tidy condition and to remove the Licensee's furniture equipment and goods from the Property at the end of the Licence Period;

(n) to indemnify the Licensor and keep the Licensor indemnified against all losses, claims, demands, actions, proceedings, damages, costs, expenses or other liability in any way arising from:

(i) this licence;

(ii) any breach of the Licensee's undertakings contained in clause 3; and/or

(iii) the exercise of any rights given in clause 2;

(o) not to release balloons or lanterns from the site and not to permit others to release balloons or lanterns from the site

4. INSURANCE

Throughout the Licence Period the Licensee shall maintain and keep effective sufficient insurance in some well established office of repute to cover third party, the Licensor and public liability arising out of the Licensee's occupation and use of the Property for a sum not less than five million pounds (£5,000,000) for any one claim or series of claims and upon written request from the Licensor to furnish evidence of the existence of such policies.

5. TERMINATION

5.1 This licence shall end on the earliest of:

(a) Midnight on 2nd November 2019; or

(b) the expiry of any notice given by the Licensor to the Licensee at any time on breach of any of the Licensee's obligations contained in clause 3.

5.2 Termination of this licence shall not affect the rights of either party in connection with any breach of any obligation under this licence which existed at or before the date of termination.

6. NOTICES

6.1 Any notice given under this licence shall be in writing and may be delivered by email, hand or sent by pre-paid first-class post or other next working day delivery service to the relevant party as follows:

(a) to the Licensor at: the address set out in this Licence and marked for the attention of Assets Department; and

(b) to the Licensee at: the address set out in the Licence and marked for the attention of Helen Stammers

or as otherwise specified by the relevant party by notice in writing to each other party.

6.2 Any notice or other communication given in accordance with clause 6.1 will be deemed to have been received:

(a) if sent by e mail the day on which the e mail has been read

(b) if delivered by hand, on signature of a delivery receipt or at the time the notice or other communication is left at the proper address; or

(c) if sent by pre-paid first-class post or other next working day delivery service, on the second working day after posting.

6.3 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

7. NO WARRANTIES FOR USE OR CONDITION

7.1 The Licensor gives no warranty that the Property possesses the Necessary Consents for the Permitted Use.

7.2 The Licensor gives no warranty that the Property is physically fit for the purposes specified in clause 2.

7.3 The Licensee acknowledges that it does not rely on, and shall have no remedies in respect of, any representation or warranty (whether made innocently or negligently)

that may have been made by or on behalf of the Licensor before the date of this licence as to any of the matters mentioned in clause 7.1 or clause 7.2.

7.4 Nothing in this clause shall limit or exclude any liability for fraud.

8. LIMITATION OF LICENSOR'S LIABILITY

8.1 Subject to clause 8.2, the Licensor is not liable for:

(a) the death of, or injury to the Licensee, its employees, customers or invitees to the Property; or

(b) damage to any property of the Licensee or that of the Licensee's employees, customers or other invitees to the Property; or

(c) any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred by Licensee or the Licensee's employees, customers or other invitees to the Property in the exercise or purported exercise of the rights granted by clause 2.

8.2 Nothing in clause 8.1 shall limit or exclude the Licensor's liability for:

(a) death or personal injury or damage to property caused by negligence on the part of the Licensor or its employees or agents; or

(b) any matter in respect of which it would be unlawful for the Licensor to exclude or restrict liability.

9. THIRD PARTY RIGHTS

A person who is not a party to this licence shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this licence.

10. GOVERNING LAW

This licence and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

11. JURISDICTION

Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this licence or its subject matter or formation (including non-contractual disputes or claims).

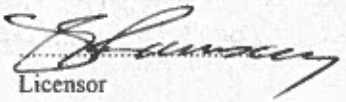
This licence has been entered into on the date stated at the beginning of it.

Schedule Rights granted to Licensee

1. The right for the Licensee to use the Property during the Designated Hours:

1.1 Such parts of the Common Parts for the purpose of access to and egress from the Property as shall from time to time be designated by the Licensor for such purpose.

Signed by
for and on behalf of THE COUNTY COUNCIL OF DURHAM

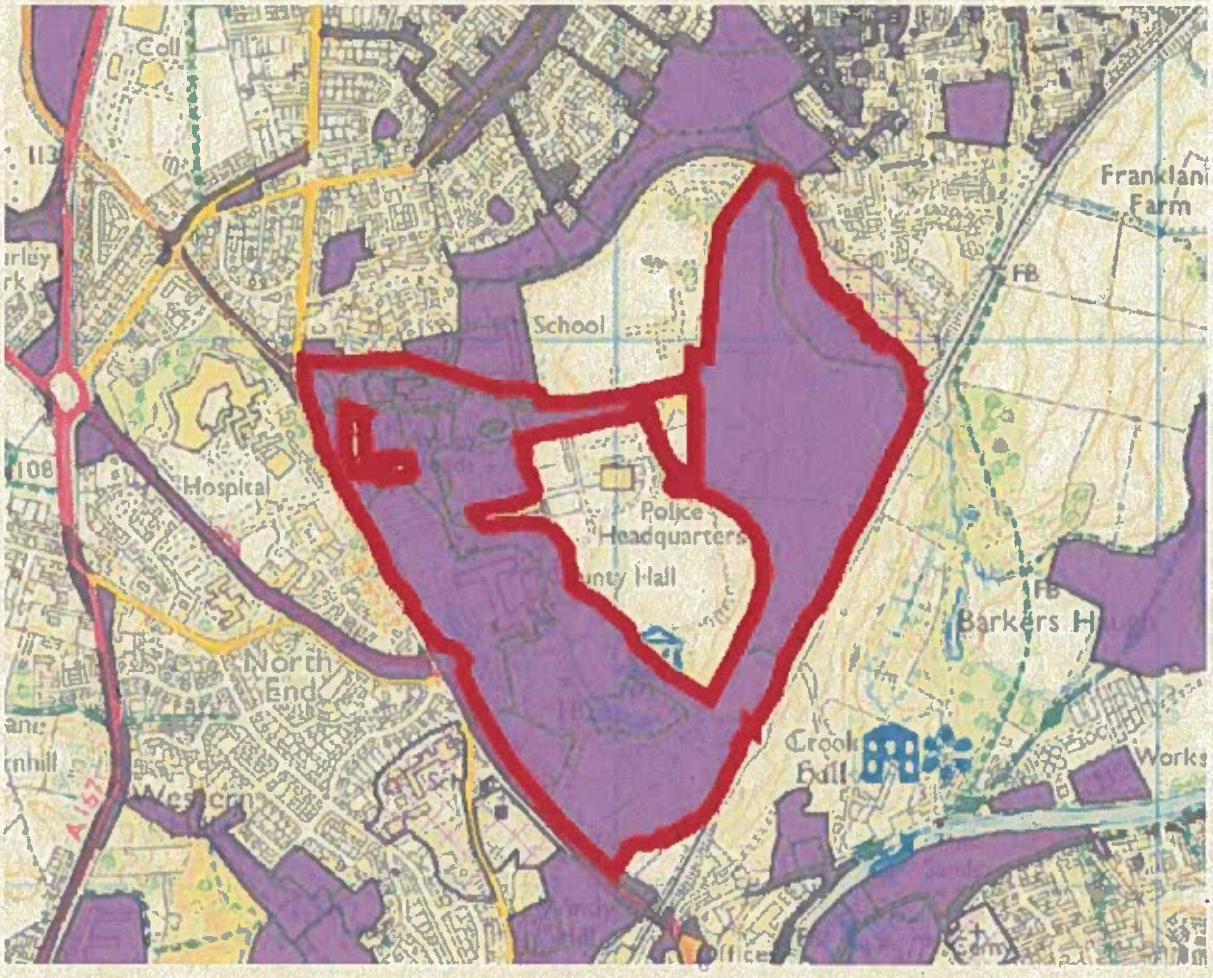


Licensor

Signed
for and on behalf of THE FIX UK LIMITED



Licensee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Headquarters
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Barkers H
North
End
Crook
Hall
Works
A157

4th OSS Comments

Davis, Rob

From: Davis, Rob
Sent: 12 February 2020 11:01
To: Hugh Craddock
Subject: RE: Application for de-registration of part of The Sands common land, Durham

Dear Hugh

We consider that your latest comments should be put to the Inspector.

This being the case, I have copied the comments to the applicant for a final response, which I will of course copy to you for your information.

Yours sincerely

Rob Davis
Common Land Casework Team

From: Hugh Craddock [redacted]
Sent: 10 February 2020 09:27
To: Davis, Rob <rob.davis@planninginspectorate.gov.uk>
Subject: RE: Application for de-registration of part of The Sands common land, Durham

Hi Rob

Thank you for soliciting and copying to us the response of the council to our questions.

We make the following further legal submission.

The society accepts that the replacement land was acquired in furtherance of proposals for development.

The society notes that, by virtue of an appropriation dated 5 March 2008, the replacement land was appropriated to purposes under the Countryside Act 1968.

The question remains what those purposes, unspecified in the appropriation, comprised. It is stated (para.2.4 of the third statement) 'that the Applicant wished to undertake a tree planting/forestry scheme on approx. 43 acres of land including the Replacement Land', although 'the Replacement Land was set aside as open meadowland as part of that scheme, therefore no actual planting was undertaken on it.'

S.122(1) of the Local Government Act 1972 provides that:

> 'Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation;...'

S.232(1) of the Town and Country Planning Act 1990 provides that:

> 'Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part or in Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990.'

As we have already made clear, the Secretary of State's policy guidance states (para.4.5) that: 'the Secretary of State would not normally grant consent where the replacement land is already subject to some form of public access, whether that access was available by right or informally, as this would diminish the total stock of access land available to the public.' The replacement land is legally accessible, and designation as common land will not confer any new public rights of access.

We would be grateful if the inspector takes into account this legal submission.

regards

Hugh

[redacted]

www.oss.org.uk
Tel: 01491 573535
Please note that I work Mondays, Wednesdays and Thursdays
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Registered charity number 1144840)

Support our Legal Fund
and help **fund legal action** by the society
and its members in **defence of**
commons, paths & open spaces

The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

From: Davis, Rob [mailto:rob.davis@planninginspectorate.gov.uk]
Sent: 07 February 2020 15:12
To: Hugh Craddock
Subject: RE: Application for de-registration of part of The Sands common land, Durham

Dear Hugh

Further to the below, I attach the applicant's response (with 5 appendices) to the points in your email of 2 January.

This concludes the exchange of correspondence. All will now go before the Inspector for her consideration.

Appendix ii is a large file so I'll send it separately.

Regards

Response to additional submission from the Open Spaces Society

Application COM/232618 for Deregistration of part of Common Land at the Sands, Durham

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

Helen Lynch and Democratic Services

Durham County Council

County Hall

Durham

DH1 5UL

Ref: NC/14195

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2. Applicant's response to additional submission from the OSS 2
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1 Introduction

1.1. The Council's response to the 45 no. objections on application reference number COM/232618 was submitted to the Planning Inspectorate on 28 October 2019.

1.2. 10 of the original objectors submitted further comments upon the Council's response (totaling 11 comments as one objector sent in two separate comments). The Council responded to these further comments on 20 December 2019.

1.3. By email of 2 January 2020, The Open Spaces Society submitted further comments/observations upon the Council's response of 20 December 2019 and the Council responded to these on 31 January 2020.

1.4. By email of 12 February 2020, The Open Spaces Society made an additional legal submission and the Planning Inspectorate has requested that the Council provides a final response to this by 4 March 2020.

1.5. Accordingly, this document constitutes the Applicant's response to the OSS' additional submission of 12 February 2020.

2. Applicant's response to OSS' additional submission

2.1 The OSS submit that the Replacement Land was held by the Council for planning purposes under the Town and Country Planning Act 1990 until 2008 when it was appropriated to use as a Country Park under Section 7 of the Countryside Act 1968.

Town and Country Planning Act 1990

2.2 There is absolutely no evidence that the Replacement Land was held for planning purposes prior to the 2008 appropriation and it is of note that the OSS have produced no evidence to support their assertion in this regard. It is clear from the 2008 appropriation and the delegated decision record and officer report which underpinned it, that the Replacement Land was held

for Local Government purposes under the 1972 Act. Indeed, and by contrast, the officer report expressly identifies the Town and Country Planning Act 1990 as being the statutory purpose for which the *other* land parcels were held.

2.3 In any event, the purpose for which the Replacement Land was held *pre-appropriation* is not relevant. Even if the Replacement Land was held for planning purposes (which is denied) and not for local government purposes as at the time of the 2008 appropriation, the net result is the same, namely that the effect of the Appropriation was that the Replacement Land was appropriated to Countryside Act 1968 purposes. The crucial issue is not what purpose the Replacement Land was held for prior to 2008 but the effect of the Appropriation.

Countryside Act 1968

2.4 The Appropriation is silent as to the exact provision within the Countryside Act 1968 under which the Replacement Land was to be held. Although the OSS say that the Replacement Land could not have been appropriated to Section 11 Countryside Act 1968 purposes (conservation), this overlooks the legal effect of Section 2 of the Local Government Act 2000 (now repealed and replaced by Section 1 of the Localism Act 2011) which provided a general wellbeing power (promotion or improvement of the environmental wellbeing of its area). In other words, the Council could appropriate the Replacement Land for Countryside Act 1968 purposes (as OSS concedes) and then exercise its power under Section 2 of the Local Government Act 2000 to discharge its Section 11 Countryside Act 1968 duty. It simply does not follow that the 2008 appropriation must have been for the purposes of Section 7 (or Sections 8-10) of the Countryside Act 1968.

2.5 Furthermore, the appropriation must be interpreted in light of the aims/objectives and documented intention of the Council at that time. In this regard it is highly material that the purpose behind the appropriation was to enable funding to be accessed for a tree planting scheme. It was not to enable provision of a Country Park.

2.6 Whilst it is correct that Section 122 of the Local Government Act 1972 empowers the Council to appropriate land to any statutory purpose for which it is authorised to acquire land by agreement, and that the Countryside Act 1968 allows the Council to acquire land by agreement for the purpose of provision of a Country Park (Section 7) or for any other purpose under the Act for which CPO powers are granted (Section 46), these are powers only. It does not follow

that having appropriated the Replacement Land for the purpose of a Country Park pursuant to Section 7 of the Countryside Act 1968 (which is denied), that the land then automatically becomes a Country Park without actual provision of such. Just in the same way as land held or appropriated for highway purposes under the Highways Act 1980 does not thereby become highway or land appropriated for commons purposes under the Commons Act 2006 does not thereby of itself become Common Land. A further action or process is necessary.

2.7 In order to be a Country Park, the Council must provide land as a park or pleasure ground to be used for such purposes. Section 7(2) of the 1968 Act also empowers the Council to extend, maintain or manage land as a Country Park and to do all other things ancillary to such provision, including:

- laying out, planting or improving the land, erection of buildings or carrying out other works;
- providing facilities and services for the enjoyment or convenience of the public including meals and refreshments, parking places for vehicles, shelters and lavatories;
- providing facilities and services for open air recreation.

2.8 In short, even if the Replacement Land was appropriated to Section 7 of the Countryside Act 1968 (which is denied), it is not a Country Park because the Council has not provided it as such and has taken none of the above steps in connection with such provision. Accordingly, the public are not entitled to use/access by right as the Replacement Land is not a Country Park.

2.9 In fact the OSS accept that the Council has not provided the Replacement Land as a Country Park but do not seem to appreciate that such undermines their entire argument. A Country Park cannot come into being without it being actually provided by the Council.

2.10 Finally, it is worth noting that the Council is free to appropriate the Replacement Land to another statutory purpose now. For example, given that it is no longer required for conservation purposes, the Replacement Land could be appropriated to Commons Act 2006 purposes, in anticipation of its future use should the current application be successful. For the reasons set out above, that would not result in the designation of the Replacement Land as Common Land because only a Section 17 order could achieve that.

3 Conclusion

3.1. The Council remains of the view that the OSS' submissions as to the status of the Replacement Land are erroneous. They are based upon, firstly, an incorrect assumption that the Replacement Land must have been appropriated to Section 7 of the Countryside Act 1968 and secondly, that mere appropriation itself results in provision of a Country Park from which public rights of access and use flow. The Replacement Land is not a Country Park under Section 7 of the 1968 Act and no rights of use or access are conferred on the public.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF HENRY JONES ON BEHALF OF DURHAM COUNTY COUNCIL

(Planning)

27 NOVEMBER 2020

Signature: ..H. Jones.....

Date: 03.02.2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Henry Jones and I am employed by the Council as a Principal Planning Officer on the Strategic Planning Team. I have held this post since February 2018. The Strategic Planning Team covers largescale major development proposals such as non-residential development on sites in excess of 2ha, residential developments of 100 dwellings or more, minerals and waste development, major renewable energy schemes and major transport and infrastructure proposals. My duties primarily involve the handling of largescale major residential and non-residential built development schemes whilst managing the duties of a team of four senior planning officers within the team.

1.2 I have a BA (Hons) in Urban Studies and Planning (University of Sheffield 2004) and a diploma in Town and Country Planning (University of Sheffield 2005). I also obtained a Postgraduate Certificate in Public Sector Management Development (Northumbria University) in 2009. In 2007 I was elected to full membership of the Royal Town Planning Institute. This membership remains current and I continue to undertake Continuing Professional Development (CDP) in accordance with the Institute's Code of Conduct.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns planning matters relevant to the application for deregistration of part of Common Land at The Sands, Durham.

1.5 My evidence will address the following matters;

- my statement of 3rd October 2018;
- the planning status of the Release Land, the rest of The Sands Common Land and the Replacement Land;
- alternative sites considered for the Replacement Land
- details of the planning permission for the new County Council HQ and associated works which includes the Release Land;
- the planning implications should the development proposed on the Release Land require re-location;

1.6 I make reference to the following key documents and plans:

- County Durham Plan (2020) proposals map extracts [Document 1i]
- City of Durham Local Plan (2004) proposals map extracts [Document 1ii]
- My Statement of 3rd October 2018 [Document 12xvii]
- Planning Permission DM/18/02369/FPA [Document 1iii]
- Planning Permission DM/20/00702/VOC [Document 1iv]
- Application Site Boundary pursuant to Planning Permissions DM/18/02369/FPA and DM/20/00702/VOC [Document 1v]
- Section 211 of the T&CPA 1990 decision notice DM/19/01100/TCA [Document 1vi]
- Open Space Needs Assessment (OSNA) extracts [Document 1vii]
- The Sands – replacement Common Land dated August 2018 document [Document 13]
- Plan extract of Tree Preservation Order PN1-310 Flass Vale TPO [Document 1viii]
- Car Park Layouts [Document 1ix]

2 RELEASE LAND

2.1 The Release Land comprises of the 0.17ha of Common Land at The Sands which itself forms part of a larger overall parcel of Common Land at The Sands, the remains of which extend to 2.74ha.

2.2 In summarising the planning status of the Release Land I have considered Development Plan land allocations and designations or other key planning related site constraints generally considered/borne in mind when considering the planning implications of a development proposal. The relevant Development Plan in force is the County Durham Plan (CDP) adopted October 2020. However, as setout in my statement of 3rd October 2018 the designation (or de-designation) of the site as Common Land would not constitute development requiring planning permission as such having regard to the meaning of development set out within Section 55 of the Town and Country Planning Act 1990.

2.3 The Release Land is located within the Durham (City Centre) Conservation Area. The land is underlain with coal, river sand and gravel deposits. The site includes land within both the Coal Authority's defined low and high risk coalfield development areas. The site is located within the Environment Agency's defined Flood Risk Zone 3 The site is located within the defined Durham City Centre (for retail/town centre development planning purposes). The CDP policies and proposals maps demonstrate that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing under the CDP.

2.4 In April 2019 planning permission was granted on the Release Land (and further land adjacent) for the erection of an office headquarters with associated car parking (inclusive of a multi-storey car park), landscaping, highway and infrastructure works and demolition of existing structures (DM/18/02369/FPA).

2.5 In June 2020 planning permission was granted for a variation of condition 2 of planning permission DM/18/02369/FPA (Erection of office headquarters with associated works and car parking) to permit installation of PV cells and roof terrace (DM/20/00702/VOC) and this represents the latest planning permission for the development.

2.6 Development pursuant to this planning permission has commenced with substantial progress on site. As part of this wider redevelopment, the approved elements of the development located within the bounds of the Release Land itself comprise of the provision of a 56 space surface level car park with associated access, access barriers, parking marker posts, electric vehicle charging points, gas kiosk, sprinkler tank, hard and soft landscaping and lighting. The layout is shown within the Car Park Layouts [Document 1ix].

2.7 In the event that the development described above could not take place or partly could not take place on the Release Land, to formalise any amended proposals, then an amended or additional planning permission(s) would be necessary. The precise nature and extent of these would require detailed consideration. For the most modest amendments one option would be for the

applicant to apply for a non-material amendment under Section 96A of the Town and Country Planning Act 1990. Minor material amendments could be sought via an application under Section 73 of the Town and Country Planning Act 1990.

2.8 If additional land, beyond the application site boundary (red line boundary), of the development was required then a stand alone planning application for that land would be necessary. Such a route, for instance, would be applicable if the 56 space car park was sought on a parcel of land elsewhere.

2.9 Conditions apply to the nearby 277 space Multi Storey Car Park (MSCP) granted planning permission under DM/18/02369/FPA and DM/20/00702/VOC which establish a minimum number of parking spaces which should be allocated for short stay use (136 no.) and which require the submission and approval of a car park management plan so as to define the measures proposed to reserve, allocate or otherwise manage and control the use of the parking spaces. Therefore, any options to reallocate the 56 surface level parking spaces from the Release Land within the 277 MSCP would need to bear in mind these conditions.

2.10 Planning permissions DM/18/02369/FPA and DM/20/00702/VOC have each had a series of related non-material amendment and discharge of condition approvals since their grants of planning permission. Further planning history entries related to the development include the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 screening and scoping opinions for the development of May 2018 (SCO/18/00003) and an application under Section 211 of the Town and Country Planning Act 1990 providing notification of proposed works to trees in a conservation area (DM/19/01100/TCA).

2.11 A search of the planning register has identified some other planning entries. In December 1974 planning permission was granted for the erection of security fencing around the land (4/74/660). An application for Conservation Area Consent for the demolition of the Royal Observer Corps building previously on the land was granted in May 1994 (CAC/4/94/205).

2.12 The rest of The Sands Common Land (the 2.74ha) is located within the Green Belt, an Area of High Landscape Value and Durham (City Centre) Conservation Area. The land is underlain with coal, river sand and gravel deposits and the site includes land within both the Coal Authority's defined

low and high risk coalfield development areas. The site contains land within the Environment Agency's defined Flood Risk Zones 2 and 3. The land is identified within the County Durham Open Space Needs Assessment (OSNA) as an Amenity Green Space. Public Footpath no. 77 (Durham City) crosses a section of the land. The CDP policies and proposals maps demonstrate that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing under the CDP.

2.13 A search of the planning history has identified that on the rest of The Sands Common Land planning permission was granted for a telecommunications mast and associated kiosk in February 2000 (4/99/00756/FPA). In December 2003 planning permission was granted for the temporary change of use of part of the land for use as a car park for a period of two years, including access, surfacing and lighting (4/03/00210/FPA). In August 2012 advertisment consent was granted for temporary street impressions for the annual brass festival on a section of the land (4/12/00647/AD).

3 REPLACEMENT LAND

3.1 My statement of 3rd October 2018 is included in full within [Document 12xvii]. In summary, within that statement I firstly highlight that the Replacement Land (the 1.84ha of land east of the Rivergreen Centre, Aykley Heads) was allocated as being within the Green Belt and formed part of an Area of High Landscape Value under the provisions of the adopted Development Plan in force at that time (the City of Durham Local Plan (2004)). The City of Durham Local Plan is no longer the adopted Development Plan, it having been replaced by the County Durham Plan (CDP) adopted October 2020. Despite the change in the Development Plan, the Replacement Land remains within the Green Belt and an Area of High Landscape Value.

3.2 I confirm within my statement that the designation of the site as Common Land would not constitute development requiring planning permission.

3.3 I highlight within my statement that the site is identified as Natural Green Space within the OSNA. Common Land designation would not affect the characteristics or nature of the land's identification through the OSNA.

3.4 In regard to any other planning status information relevant to the Replacement Land, derived from the Development Plan or other key planning related site constraints, the land is underlain with coal, glacial sand and gravel deposits and includes land within both the Coal Authority's defined low and high risk coalfield development areas. The CDP policies and proposals maps include the land as being potentially suitable for micro wind turbine development and demonstrates that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing under the CDP.

3.5. However, as stated, designation of the Replacement Land as Common Land would not in itself constitute development requiring planning permission and therefore there would be no requirement for assessment against the provisions of the CDP or other material planning considerations.

3.6 A search of the planning history has identified that a planning application so as to provide two sports pitches on the land was withdrawn in June 1990 (928/4/176).

3.7 I have provided advice in regard to alternative replacement land sites which informed Peter Howson in prepation of his report "The Sands – replacement Common Land" dated August 2018. I discuss below matters surrounding the planning status of these alternative replacement land sites below.

Land south of Springfield Park, Flass Vale

3.8 This land forms part of the Durham (City Centre) Conservation Area, the Green Belt, an Area of High Landscape Value and a Local Nature Reserve (Flass Vale). The land is underlain with coal, glacial sand and gravel deposits and includes land within both the Coal Authority's defined low and high risk coalfield development areas. The OSNA identifies the land as an Area of Natural Green Space. The CDP policies and proposals maps demonstrate that the land is located within the 30km wind farm consultation zone with

Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing. A loss of trees would be necessary to facilitate that the land could be utilised as open meadow/grazing use and due to the site's location within a conservation area notification processes under Section 211 of the Town and Country Planning Act would be necessary.

Land south west of Flassburn Road

3.9 Fractions of the western sections of the site lie within the Durham (City Centre) Conservation Area, the Green Belt and Area of High Landscape Value. The vast majority of the site forms part of a Local Nature Reserve (Flass Vale). The land is underlain with coal, glacial sand and gravel deposits and is located within the Coal Authority's defined low risk coalfield development area. The OSNA identifies the land as forming part of a wider parcel of Natural Green Space. Public Footpath no 123 (Durham City) crosses the site. Sections of the site are covered by a Tree Preservation Order (TPO) (PN1-310 Flass Vale) and a loss of trees would be necessary to facilitate that the land could be utilised as open meadow/grazing use with applications for works to trees covered by a TPO and/or notification under Section 211 of the Town and Country Planning Act necessary as a result. The CDP policies and proposals maps demonstrate that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing.

3.10 A search of the planning history of the site reveals that applications for various tree removals and works to trees within the TPO have been approved in February 2018 (DM/18/00110/TPO) and March 2019 (DM/19/00222/TPO).

Land at St Giles Well

3.11 This site is within the Durham (City Centre) Conservation Area, Green Belt and an Area of High Landscape Value. Public Footpaths 83, 84 and 85 (Durham City) run along the bounds of the site. The land is underlain with coal, glacial sand and gravel deposits and includes land within both the Coal

Authority's defined low and high risk coalfield development areas. The site abuts land on the Ancient Woodland Inventory (Pelaw Wood) and a Local Wildlife Site (Pelaw Wood). The CDP policies and proposals maps include the land as being potentially suitable for micro wind turbine development and demonstrates that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing. A loss of trees would be necessary to facilitate that the land could be utilised as open meadow/grazing use with notification processes under Section 211 of the Town and Country Planning Act necessary.

3.12 A search of the planning history of the site reveals no entries.

Land at Aykley Woods, Aykley Heads

3.13 This site is within the Durham (City Centre) Conservation Area, Green Belt and Area of High Landscape Value. The land is underlain with coal, glacial sand and gravel deposits and is located within the Coal Authority's defined low risk coalfield development area. The CDP policies and proposals maps include the land as being potentially suitable for micro or small wind turbine development and demonstrates that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing. A loss of trees would be necessary to facilitate that the land could be utilised as open meadow/grazing use with notification processes under Section 211 of the Town and Country Planning Act necessary.

3.14 A search of the planning history of the site reveals that planning permission was granted for the formation of a cycle path and associated works on the boundary of the site in May 2004 (4/04/00445/CM). In October 2018 planning permission was granted for the use of a section of the site for storage of construction equipment, associated earthworks and welfare facilities for a temporary period (DM/18/01908/FPA).

3.15 This site is within the Green Belt and Area of High Landscape Value. Public Footpath no 1 (Belmont) passes adjacent to site. The land is underlain with coal, river sand and gravel deposits and is located within the Coal Authority's defined low risk coalfield development area. The site is located within the Environment Agency's defined Flood Risk Zone 3. The CDP policies and proposals maps include the land as being potentially suitable for micro wind turbine development and demonstrates that the land is located within the 30km wind farm consultation zone with Newcastle Airport. The CDP policies and proposals maps identify that certain development on the land would require consultation with the Met Office in regard to the safeguarded meteorlogical site at High Moorsley. The site is also located within the highest value land area in regards to the provision of affordable housing.

3.16 A search of the planning history of the site reveals no entries.

4 SUMMARY AND CONCLUSIONS

4.1 This document provides planning evidence associated with the application for the deregistration and exchange of common land. In doing so I highlight that the registration of the Replacement Land as common land in itself does not amount to development requiring planning permission. Nevertheless I present a summary of the planning status of the Replacement Land having regard to matters such as relevant Development Plan allocations and designations and key planning constraints and present a summary of the planning history.

4.2 I also undertake the same exercises in relation to the alternative sites considered for the Replacement Land, the Release Land and the rest of The Sands Common Land. I also explain the potential planning implications in the event that those elements of the wider ongoing HQ development located on the Release Land could not take place or partly could not take place.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE SUMMARY OF HENRY JONES ON BEHALF OF DURHAM COUNTY COUNCIL

(Planning)

27 NOVEMBER 2020

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Henry Jones and I am employed by the Council as a Principal Planning Officer on the Strategic Planning Team. I have held this post since February 2018.

1.2 I have a BA (Hons) in Urban Studies and Planning (University of Sheffield 2004) and a diploma in Town and Country Planning (University of Sheffield 2005). I also obtained a Postgraduate Certificate in Public Sector Management Development (Northumbria University) in 2009. In 2007 I was elected to full membership of the Royal Town Planning Institute. This membership remains current and I continue to undertake Continuing Professional Development (CDP) in accordance with the Institute's Code of Conduct.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns planning matters relevant to the application for deregistration of part of Common Land at The Sands, Durham.

2 RELEASE LAND

2.1 My Proof of Evidence summarises the planning status of the Release Land and the rest of the Sands Common Land taking into consideration Development Plan land allocations and designations or other key planning related site constraints generally considered/borne in mind when considering the planning implications of a development proposal. I confirm that the designation (or de-designation) of the site as Common Land would not constitute development requiring planning permission as such having regard to the meaning of development set out within Section 55 of the Town and Country Planning Act 1990.

2.2 In April 2019 planning permission was granted on the Release Land (and further land adjacent) for the erection of an office headquarters with associated car parking (inclusive of a multi-storey car park), landscaping, highway and infrastructure works and demolition of existing structures (DM/18/02369/FPA) with a subsequent planning permission for a variation of condition granted in June 2020 (DM/20/00702/VOC).

2.3 My Proof of Evidence describes the approved elements of the development located within the bounds of the Release Land. I present the options in the event that the development could not take place or partly could not take place on the Release Land, to formalise any amended proposals including highlighting that if additional land, beyond the application site boundary, was required then a stand alone planning application for that land would be necessary. I summarise the remaining planning history of the Release Land and rest of the Sands Common Land.

3 REPLACEMENT LAND

3.1 In summarising the planning status of the Replacement Land I have considered Development Plan land allocations and designations or other key planning related site constraints generally considered/borne in mind when considering the planning implications of a development proposal.

3.2 I confirm that the designation of the site as Common Land would not constitute development requiring planning permission. I summarise the planning history of the Replacement Land.

3.3 I also discuss matters surrounding the planning status of five alternative replacement land sites below again with reference to Development Plan Land allocations and designations or other key planning related site constraints generally considered/borne in mind when considering the planning implications of a development proposal and summarise relevant planning history.

4 SUMMARY AND CONCLUSIONS

4.1 My Proof of Evidence provides planning evidence associated with the application for the deregistration and exchange of common land. In doing so I highlight that the registration of the Replacement Land as common land in itself does not amount to development requiring planning permission. Nevertheless I present a summary of the planning status of the Replacement Land having regard to matters such as relevant Development Plan allocations and designations and key planning constraints and present a summary of the planning history. I undertake the same exercises in relation to alternative sites considered for the Replacement Land, the Release Land and the rest of The Sands Common Land.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF GERARD LAWSON ON BEHALF OF DURHAM COUNTY COUNCIL

(Landscape & Visual Effects)

27 NOVEMBER 2020

Signature: .....

Date: 03/02/2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Gerard Lawson and I am employed by the Council as a Principal Landscape Officer. I have held this post since 2011. My duties are primarily related to landscape planning and landscape design. I have over 30 years experience in those fields.

1.2 I have a BA (hons) in English and American Studies and an MLD in Landscape Design. I am a Chartered Member of the Landscape Institute (CMLI).

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns an application for the deregistration of part of common land at The Sands, Durham, plus proposed Replacement Land.

1.5 My evidence will address the landscape and visual effects of the proposals.

1.6 I make reference to the following documents, photographs and plans:

- County Durham Landscape Character Assessment, County Durham Landscape Strategy, County Durham Landscape Value Assessment, landscape designations: extracts and plans [Document 2i]
- OS Historic Maps 1860 – 1994 [Document 6vi]
- Car Park Layouts [Document 1ix]
- The Sands - replacement Common Land report August 2018 [Document 13]

2 RELEASE LAND

Landscape character/ designations of the Release Land

2.1 The County Durham Landscape Character Assessment (CDLCA) (2008) identifies the Release Land as lying within the *Wear Lowlands* County Character Area which forms part of the larger *Tyne & Wear Lowlands* National Character Area (NCA 14). It lies within that part of the urban area of Durham City falling within the *Northern Wear Valley* Broad Character Area which belongs to the *Incised Lowland Valleys* Broad Landscape Type. It lies within a tract of land identified as Local Landscape Type *Urban* and Local

Landscape Subtype *Urban*. Relevant extracts of the CDLCA and maps showing landscape types and character areas are given in Document 2i.

2.2 The Release Land lies on the narrow floodplain of the river Wear at the point where the river leaves the built up area of the city. It currently forms part of the construction site for the new County Council headquarters. Historically the land formed part of the wider common of The Sands, open land on the floodplain haughs crossed at that point by a mill race. The land was enclosed in the mid C20th century for use by the military, initially south of the mill race and then northwards across it when the race was filled in. Historic maps of the site are contained in [Document 6vi]. Prior to current construction activities it was in use as a coach park from the mid 1990's, forming part of a larger municipal car park. The coach park was comprised largely of surfaced hard standing. The southern edge of the land was formed by a narrow strip of soft landscape containing the remnants of an out-grown hedge, largely made up of young mature beech trees and sporadic low shrubs, and also containing a litter bin and signage. The western edge of the site was formed by a narrow strip of soft landscape containing a row of young mature trees and shrubs of mixed species and the remains of a timber fence.

2.3 The land is currently occupied by site cabins and associated operational parts of the construction site. Beech trees along the southern edge have been removed and a site security fence / hoarding erected to the boundaries.

2.4 To the east of the Release Land lies the open amenity grassland of The Sands bounded to the north by the River Wear. A band of young trees have recently been planted adjacent to the release land by the Parish Council and community volunteers. To the north lies a small area of broadleaved woodland crossed by an informal footpath on the edge of the river. To the west lies the construction site of the new Durham County Council headquarters. To the south lies car parking within the grounds of the Durham 6th Form Centre.

2.5 The Release Land is not covered by any national or local landscape designations. Land to the east and north is defined as Area of Higher Landscape Value in the County Durham Plan. This is shown on plan in [Document 2i].

2.6 The land is identified as *Developed* in the County Durham Landscape Strategy (2008) [Document 2i]. As urban land it was not assessed as part of the County Durham Landscape Value Assessment (2019).

Landscape impact on Release Land of deregistration

2.7 De-registration would not give rise to any specific adverse effects on the landscape assessed against the baseline of the current and recent character of the release land and its future character when redeveloped as a car park as part of the consented development. The effect of de-registration in itself would be neutral.

2.8 The development of the County Council headquarters currently underway entails the redevelopment of the former coach park as a car park of similar extent and character [Document 1ix]. The line of young mature beech trees in the outgrown hedge on the southern boundary have been felled. This was an unsustainable feature in this location, and it is likely that a similar intervention would have been required at some point in the future if the site had not been developed. On the completion of development that feature will be replaced with a mixed species hedge containing a row of semi-mature (5-7m) lime trees. The line of young mature trees on the eastern boundary of the site is yet to be removed. While the planning permission provides for the removal of these trees this has been deferred pending more detailed investigation of the extent and finished levels of the car park which may allow some individuals to be retained. Subject to any changes of that nature, on the completion of development that feature will be replaced with a mixed species hedge containing a row of semi-mature (5-7m) aspen, birch and lime trees. A multi-stemmed beech at the junction of the two boundaries will be retained within an area of soft landscape planted with groundcover. Two semi-mature (5-7m) lime trees will be planted in a short section of mixed species hedge within the car park towards the edge of the Release Land. Trees have been felled to the immediate west of the Release Land and some additional trees will be felled to the north on the edge of the woodland. These impacts fall outside of the release land. A water storage tank will be located in the north-eastern corner of the site. This would be a relatively simple structure 3m in height and clad in timber.

2.9 I would assess the sensitivity of the Release Land to that development as being low-medium having regard to both its former use as a coach park and

the maturity of the existing / pre-existing boundary vegetation. I would assess the effects of the development on the Release Land as being of a medium magnitude (moderate significance) in the short term having regard to the construction of the water tank and both the potential loss of maturity in existing vegetation and its replacement with more considered boundary landscape treatment and trees planted at larger stock sizes. The effects would diminish progressively as planting matured, with boundary hedges screening parked vehicles and tree canopies increasing in size. I would expect the overall effect of the development taken in the round to be neutral (no significance) within around 10 years. These effects are those of the approved development: the effects of de-registration, as noted above, would be neutral.

2.10 De-registration could affect future decisions about how the land was managed or developed, and those decisions could affect its character. I can't assess these at this time as the nature and timing of any effects arising either from de-registration or from the land remaining as common are unknown.

Landscape impact on the rest of The Sands if the Release Land is de-registered

2.11 There would be no direct effect on the character of the remaining part of The Sands if the release land was de-registered. The Release Land has been enclosed for a long period, its current boundary dating back to at least the 1960s [Document 6vi], and during that time it has read as being separate from, and of different character to, the open land of The Sands. While there would be some changes to the Release Land arising from the development currently underway as detailed above, there would be no change in its general character or its relationship with the remaining part of The Sands.

Visual receptors for the Release Land and The Sands

2.12 The Release Land sits low on the river floodplain and doesn't figure strongly in wider views of the city or its surroundings. It is visible at close quarters from Freeman's Place and from school buildings and grounds to the immediate south. It is visible, though partly screened (summer) or filtered (winter) in shallow views from the amenity open space of The Sands to the east and from the roads and housing areas along its southern edge. It is visible from Framwellgate Waterside (Weardale Way), the Radisson Hotel and Penny Ferry Bridge to the west in shallow views across the wider construction site. Views from the north from Lower Sidegate and Frankland Lane (Weardale Way) are largely screened (summer) or heavily filtered

(winter) by woodland to the north of the car park and bank-side vegetation. It is visible in some views from higher ground to the north – including from sections of the East Coast Main Line – largely screened (summer) or heavily filtered (winter) by the woodland to the north. Views from elsewhere in the immediate locality are generally obscured by intervening buildings and vegetation.

2.13 The visual environment of the wider common land of The Sands is similar. It is visible at close quarters from the road and housing along its southern edge, from the bottom of Providence Row and St Nicholas' cemetery to the south. It is visible from the eastern end of Freeman's Place to the west. It is visible from Lower Sidegate and Frankland Lane (Weardale Way) on the opposite bank of the river in views partially screened (summer) or filtered (winter) by bankside vegetation. It is visible in some views from higher ground to the north – including from sections of the East Coast Main Line – partly screened (summer) or heavily filtered (winter) by intervening trees and woodland. Views from elsewhere in the immediate locality are generally obscured by intervening buildings and vegetation.

2.14 The visual environment of the area is changing with the construction of the County Council headquarters building and associated multi-storey car park. The headquarters building will further obstruct views of the Release Land in views from Framwellgate Waterside and the Radisson Hotel. The multi-storey car park will obstruct or narrow views of the Release Land in views from areas south of The Sands. The removal of vegetation along the boundaries of the Release Land will result in more open views into the area from the east. These views will become progressively screened (summer) or filtered (winter) as newly planted hedges and trees (within and adjacent to the site) establish and mature.

Visual effects on Release Land of deregistration

2.15 Deregistration of the Release Land would not give rise to any specific adverse visual effects assessed against the baseline of its current or recent visual appearance, and its future appearance when redeveloped as a car park. The effect of de-registration in itself would be neutral.

2.16 The release land is currently a construction site which has some short term adverse effects on visual amenity. On completion of development the Release

Land will be a car park of similar character to the previous coach park. Some attractive attributes will have been lost – and in particular young mature vegetation to the southern and eastern boundaries. The new car park will include attractive new landscape features including hedges and semi-mature trees. It will, for a period, be more visually open than its previous condition in views from the east due to the removal of boundary vegetation allowing views of parked vehicles. Hedgerows established on the site boundaries would be expected to substantially screen vehicles in the car park in those views within 5 years. Views from Freeman's Place were more open in the past and new hedges will screen the interior of the car park more effectively in that view within the same time frame.

2.17 I would assess the sensitivity of visual receptors in the area – residents, pedestrians, cyclists and users of recreational open spaces - as being high.

2.18 For pedestrians on Freeman's Place the effect on visual amenity would be of a medium magnitude in the short term becoming a medium positive effect within 5 years due to the enhanced screening of the parking area. Having regard to the duration of the impacts I would assess the overall effect as being neutral (not significant).

2.19 For recreational users of The Sands the effect on visual amenity would be of a low-medium magnitude in the short term becoming neutral within around 5 years. There would be increased visibility of vehicles in the car park during those early years but as a relatively small element in the view from much of the area and seen against the backdrop of the new headquarters building. Having regard to the duration of the impacts I would assess the overall effect as being low (moderate significance).

2.20 For residents along the southern edge of The Sands the effect on visual amenity would be low falling to negligible. There would be some increased visibility of parked vehicles in the early years but as a very small element in the view. Having regard to the duration of the impacts I would assess the overall effect as being low / negligible (slight significance).

2.21 For pedestrians using Framwellgate Waterside, Penny Ferrry Bridge, the Lower Sidegate, and Frankland Lane, and for residents of the Radisson Hotel the effect on visual amenity would be very low or negligible due to the screening effects of buildings and vegetation. This would not change notably

over time and I would assess the overall effect as being low / negligible (slight significance).

2.22 As noted above de-registration could affect future decisions about how the land was managed or developed, and those decisions could affect its appearance. I can't assess these at this time as the nature and timing of any effects arising either from de-registration in the longer term or from the land remaining as common are unknown.

Visual impact on rest of The Sands if Release Land de-registered

2.23 As noted above (2.19) I would assess the effect of the consented development on the visual amenity of recreational users of The Sands as being low (moderate significance). The effects of de-registration in itself would be neutral.

3 REPLACEMENT LAND

Landscape character/designations of Replacement Land

3.1 The County Durham Landscape Character Assessment (CDLCA) (2008) identifies the Replacement Land as lying within the *Wear Lowlands* County Character Area which forms part of the larger *Tyne & Wear Lowlands* National Character Area (NCA 14). It lies within the *Northern Wear Valley* Broad Character Area which belongs to the *Incised Lowland Valleys* Broad Landscape Type. It lies within a larger tract of land identified as Local Landscape Type *Parks and recreation grounds* and Local Landscape Subtype *Playing fields and urban green spaces*. Relevant extracts of the CDLCA and maps showing landscape types and character areas are given in [Document 2i].

3.2 The Replacement Land lies on the northern slopes of the incised valley of the River Wear. It forms part of a wider tract of former farmland lying between the employment land of Aykley Heads and housing at Aykley Woods and the east coast main line which is managed for nature conservation. The site is made up of grassland in a single parcel, defined by fences.

3.3 To the south and west of the site lies a surfaced multi-user route. To the north and east lie areas of conservation grassland, woodland and scrub crossed by unsurfaced permissive footpaths.

3.4 The Replacement Land lies within an area identified as Area of Higher Landscape Value in the County Durham Local Plan. It is also Green Belt. This is shown on plan in [Document 2i].

3.5 The land is identified in the County Durham Landscape Strategy (2008) as lying within a *Landscape Conservation Priority Area* with a strategy of *conserve and enhance*. This is shown on plan in [Document 2i]. The value of the landscape was assessed as part of the County Durham Landscape Value Assessment (2019). The larger assessment unit it forms part of (12c vii Aykley Heads and Frankland) was assessed as having elevated values across the majority of attributes assessed. This is shown on plan in [Document 2i].

Landscape effects on Replacement Land if registered common

3.6 The registration of the land as common would have no effect on the landscape of the replacement land which would retain its character as open grassland.

Visual effects on Replacement Land if registered common

3.7 The registration of the land as common would have no effect on the visual characteristics of the replacement land which would retain its appearance as open grassland.

Alternative sites considered from landscape/visual impact perspective

3.8 Five alternative sites were considered and appraised in respect of their potential landscape and visual effects. These are shown in [Document 13].

3.9 Site 1: Land south of Springfield Park Flass Vale. The site is an area of young woodland (<50 years old) that has naturally colonised a shallow valley in the head of Flass Vale. It was anticipated that to facilitate grazing the woodland would need to be removed. This was assessed as being likely to be harmful unless undertaken as part of a conservation management plan for the wider vale and supported by the Friends Group managing Flass Vale.

3.10 Site 2: land south of Flassburn Road. The site is similar to the above but some of the trees are covered by a long standing TPO: their removal was assessed as being particularly harmful.

3.11 Site 3: land south of St Giles. The site is an area of mature woodland in a dene adjacent to ancient woodland. While not shown itself on the inventory of ancient woodland OS map regressions suggests it has always been woodland or wood-pasture. It was anticipated that, to facilitate grazing, woodland would need to be cleared. This was assessed as being potentially very harmful.

3.12 Site 4: land at Aykley Wood, Aykley Heads. The site is an area of scrub that has colonised abandoned grassland. It was anticipated that to facilitate grazing the established scrub would need to be cleared. This would entail some adverse landscape and visual effects. The site lies in an area being actively explored for other potential uses as part of the development of a masterplan for the Aykley Heads employment site and it was considered prejudicial to this to remove the vegetation or fix the use of the land as grazing at that time.

3.13 Site 6: land at Providence Row, Durham. The site is an area of riverbank of similar character to the riverbanks of The Sands located around 800m downstream on the same side of the river. It is currently unmanaged grassland with thinly scattered trees and scrub. It was considered the most appropriate 'like for like' replacement in landscape terms given its location and character. Registration as common land would not be likely to entail any adverse landscape of visual effects.

4 SUMMARY AND CONCLUSIONS

4.1 The Release Land has been enclosed since the mid C20th. Its current boundary with the remainder of the common has been in place since that time. The land was in use as a coach park since the mid 1990s, forming part of a larger municipal car park, since when it has formed part of the site for the new County Council headquarters.

4.2 The development of the new County Council headquarters provides for the retention of the area as car parking of a similar layout and general character. While that development will entail some adverse effects on landscape

character in the short term, primarily occasioned by the removal of boundary vegetation, in the medium and longer term the effects will fall to neutral as new boundary features mature.

4.3 In the context of the current and recent character of the land, and its future character when redeveloped as a car park, the effects of de-registration in itself on the character of the landscape of the release land and the remaining part of the common would be neutral.

4.4 The Release Land lies on low ground. It doesn't figure strongly in wider views of the city but is viewed at close quarters from sensitive receptors including users of nearby roads, footpaths, public open space and nearby residents.

4.5 The re-development of the coach park as a car park would result in some localised and temporary adverse visual effects, occasioned by the loss of existing vegetation and the exposure of parked vehicles, which would reduce as new planting matured. These effects are assessed as ranging from negligible to low.

4.6 In the context of the current and recent visual characteristics of the land, and its future appearance when redeveloped as a car park, the effects of de-registration in itself would be neutral.

4.7 The Replacement Land is currently open grassland managed for nature conservation. The registration of the land as common would have no effect on its features, character or visual appearance.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

SUMMARY PROOF OF EVIDENCE OF GERARD LAWSON ON BEHALF OF DURHAM COUNTY COUNCIL

(Landscape & Visual Effects)

27 NOVEMBER 2020

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Gerard Lawson and I am employed by the Council as a Principal Landscape Officer. I have held this post since 2011. My duties are primarily related to landscape planning and landscape design. I have over 30 years experience in those fields.

1.2 I have a BA (hons) in English and American Studies and an MLD in Landscape Design. I am a Chartered Member of the Landscape Institute (CMLI).

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns an application for the deregistration of part of common land at The Sands, Durham, plus proposed Replacement Land.

1.5 My evidence will address the landscape and visual effects of the proposals.

1.6 I make reference to the following documents, photographs and plans:

- County Durham Landscape Character Assessment, County Durham Landscape Strategy, County Durham Landscape Value Assessment, landscape designations: extracts and plans [Document 2i]
- OS Historic Maps 1860 – 1994 [Document 6vi]
- Car Park Layouts [Document 1ix]
- The Sands - replacement Common Land report August 2018 [Document 13]

2 RELEASE LAND

Landscape character/ designations of the Release Land

2.1 The County Durham Landscape Character Assessment (CDLCA) (2008) identifies the Release Land as lying within that part of the urban area of Durham City falling within the *Northern Wear Valley* Broad Character Area which belongs to the *Incised Lowland Valleys* Broad Landscape Type. Relevant extracts of the CDLCA and maps showing landscape types and character areas are given in [Document 2i].

2.2 The Release Land lies on the narrow floodplain of the river Wear at the point where the river leaves the built up area of the city. It currently forms part of a construction site for the new County Council headquarters. Historically the land formed part of the wider common of The Sands, open land on the floodplain haughs crossed at that point by a mill race. The land was enclosed in the mid C20th century initially south of the mill race and then northwards across it when the race was filled in. Historic maps of the site are contained in [Document 6vi]. Prior to current construction activities it was in use as a coach park from the mid 1990's, forming part of a larger municipal car park. The coach park was comprised largely of surfaced hard standing with trees and remnant hedgerow vegetation on its eastern and southern boundaries.

2.3 The land is currently occupied by site cabins and associated operational parts of the construction site, bounded by a site security fence / hoarding.

2.4 To the east of the Release Land lies the open amenity grassland of The Sands bounded to the north by the River Wear. A band of young trees have recently been planted adjacent to the release land by the Parish Council and community volunteers. To the north lies a small area of broadleaved woodland crossed by an informal footpath on the edge of the river. To the west lies the construction site of the new Durham County Council headquarters. To the south lies car parking within the grounds of the Durham 6th Form Centre.

2.5 The Release Land is not covered by any national or local landscape designations. Land to the east and north is defined as Area of Higher Landscape Value in the County Durham Plan. This is shown on plan in [Document 2i].

2.6 The land is identified as *Developed* in the County Durham Landscape Strategy (2008) [Document 2i].

Landscape impact on Release Land of deregistration

2.7 De-registration would not give rise to any specific adverse effects on the landscape assessed against the baseline of the current and recent character

of the release land and its future character when redeveloped as a car park as part of the consented development. The effect of de-registration in itself would be neutral.

2.8 The development of the County Council headquarters currently underway entails the redevelopment of the former coach park as a car park of similar extent and character [Document 1ix]. Some vegetation on the boundaries of the site has been, or is to be, removed. This will be replaced by new hedgerow and tree planting. A water storage tank will be located in the north-eastern corner of the site. This would be a relatively simple structure 3m in height and clad in timber.

2.9 I would assess the sensitivity of the Release Land to that development as being low-medium. I would assess its effects as being of a medium magnitude (moderate significance), diminishing progressively as planting matured. I would expect the overall effects of the development taken in the round to be neutral (no significance) within around 10 years. These effects are those of the approved development: the effects of de-registration, as noted above, would be neutral.

2.10 De-registration could affect future decisions about how the land was managed or developed, and those decisions could affect its character. I can't assess these at this time as the nature and timing of any effects arising either from de-registration or from the land remaining as common are unknown.

Landscape impact on the rest of The Sands if the Release Land is de-registered

2.11 There would be no direct effect on the character of the remaining part of The Sands if the release land was de-registered. The Release Land has been enclosed for a long period, its current boundary dating back to at least the 1960s [Document 6vi], and during that time it has read as being separate from, and of different character to, the open land of The Sands. While there would be some changes to the Release Land arising from the development currently underway as detailed above, there would be no change in its general character or its relationship with the remaining part of The Sands.

Visual receptors for the Release Land and The Sands

2.12 The Release Land sits low on the river floodplain and doesn't figure strongly in wider views of the city or its surroundings. It is visible at close quarters from Freeman's Place and from school buildings and grounds to the immediate south. It is visible, though partly screened (summer) or filtered (winter) in shallow views from the amenity open space of The Sands to the east and from the roads and housing areas along its southern edge. It is visible from Framwellgate Waterside (Weardale Way), the Radisson Hotel and Penny Ferry Bridge to the west in shallow views across the wider construction site. Views from the north from Lower Sidegate and Frankland Lane (Weardale Way) are largely screened (summer) or heavily filtered (winter) by woodland to the north of the car park and bank-side vegetation. It is visible in some views from higher ground to the north – including from sections of the East Coast Main Line – largely screened (summer) or heavily filtered (winter) by the woodland to the north. Views from elsewhere in the immediate locality are generally obscured by intervening buildings and vegetation.

2.13 The visual environment of the wider common land of The Sands is similar. It is visible at close quarters from the road and housing along its southern edge, from the bottom of Providence Row and St Nicholas' cemetery to the south. It is visible from the eastern end of Freeman's Place to the west. It is visible from Lower Sidegate and Frankland Lane (Weardale Way) on the opposite bank of the river in views partially screened (summer) or filtered (winter) by bankside vegetation. It is visible in some views from higher ground to the north – including from sections of the East Coast Main Line – partly screened (summer) or heavily filtered (winter) by intervening trees and woodland. Views from elsewhere in the immediate locality are generally obscured by intervening buildings and vegetation.

2.14 The visual environment of the area is changing with the construction of the County Council headquarters building and associated multi-storey car park. The headquarters building will further obstruct views of the Release Land in views from Framwellgate Waterside and the Radisson Hotel. The multi-storey car park will obstruct or narrow views of the Release Land in views from areas south of The Sands. The removal of vegetation along the boundaries of the

Release Land will result in more open views into the area from the east. These views will become progressively screened (summer) or filtered (winter) as newly planted hedges and trees (within and adjacent to the site) establish and mature.

Visual effects on Release Land of deregistration

2.15 Deregistration of the Release Land would not give rise to any specific adverse visual effects assessed against the baseline of its current or recent visual appearance, and its future appearance when redeveloped as a car park. The effect of de-registration in itself would be neutral.

2.16 The release land is currently a construction site which has some short term adverse effects on visual amenity. On completion of development the Release Land will be a car park of similar character to the previous coach park. Some attractive attributes will have been lost – and in particular young mature vegetation to the southern and eastern boundaries. The new car park will include attractive new landscape features including hedges and semi-mature trees. It will, for a period, be more visually open than its previous condition in views from the east due to the removal of boundary vegetation allowing views of parked vehicles. Hedgerows established on the site boundaries would be expected to substantially screen vehicles in the car park in those views within 5 years. Views from Freeman's Place were more open in the past and new hedges will screen the interior of the car park more effectively in that view within the same time frame.

2.17 I would assess the sensitivity of visual receptors in the area – residents, pedestrians, users of recreational open spaces - as being high. I would assess the effects on those receptors as varying from low /negligible (slight significance) to low (moderate significance) having regard to the scale and character of changes in the view and the relatively short duration of adverse effects. These effects are those of the approved development: the effects of de-registration, as noted above, would be neutral.

2.18 De-registration could affect future decisions about how the land was managed or developed, and those decisions could affect its appearance. I can't assess these at this time as the nature and timing of any effects arising either from

de-registration in the longer term or from the land remaining as common are unknown.

Visual impact on rest of The Sands if Release Land de-registered

2.19 As noted above (2.19) I would assess the effect of the consented development on the visual amenity of recreational users of The Sands as being low (moderate significance). The effects of de-registration in itself would be neutral.

3 REPLACEMENT LAND

Landscape character/designations of Replacement Land

3.1 The County Durham Landscape Character Assessment (CDLCA) (2008) identifies the Replacement Land as lying within the *Northern Wear Valley* Broad Character Area which belongs to the *Incised Lowland Valleys* Broad Landscape Type. Relevant extracts of the CDLCA and maps showing landscape types and character areas are given in [Document 2i].

3.2 The Replacement Land lies on the northern slopes of the incised valley of the River Wear. It forms part of a wider tract of former farmland lying between the employment land of Aykley Heads and housing at Aykley Woods and the east coast main line which is managed for nature conservation. The site is made up of grassland in a single parcel, defined by fences.

3.3 To the south and west of the site lies a surfaced multi-user route. To the north and east lie areas of conservation grassland, woodland and scrub crossed by unsurfaced permissive footpaths.

3.4 The Replacement Land lies within an area identified as Area of Higher Landscape Value in the County Durham Local Plan. It is also Green Belt. This is shown on plan in [Document 2i].

3.5 The land is identified in the County Durham Landscape Strategy (2008) as lying within a *Landscape Conservation Priority Area* with a strategy of *conserve and enhance*. This is shown on plan in [Document 2i]. The value of the landscape was assessed as part of the County Durham Landscape Value

Assessment (2019). The larger assessment unit it forms part of (12c vii Aykley Heads and Frankland) was assessed as having elevated values across the majority of attributes assessed. This is shown on plan in [Document 2i].

Landscape effects on Replacement Land if registered common

3.6 The registration of the land as common would have no effect on the landscape of the replacement land which would retain its character as open grassland.

Visual effects on Replacement Land if registered common

3.7 The registration of the land as common would have no effect on the visual characteristics of the replacement land which would retain its appearance as open grassland.

Alternative sites considered from landscape/visual impact perspective

3.8 Five alternative sites were considered and appraised in respect of their potential landscape and visual effects. These are shown in [Document 13].

3.9 Site 1: Land south of Springfield Park Flass Vale. The site is an area of young woodland in the head of Flass Vale. It was anticipated that to facilitate grazing the woodland would need to be removed. This was assessed as being likely to be harmful unless undertaken as part of a conservation management plan for the wider vale.

3.10 Site 2: land south of Flassburn Road. The site is similar to the above but some of the trees are covered by a long standing TPO: their removal was assessed as being particularly harmful.

3.11 Site 3: land south of St Giles. The site is an area of mature woodland in a dene adjacent to ancient woodland. While not shown itself on the inventory of ancient woodland OS map regressions suggests it has always been woodland or wood-pasture. It was anticipated that, to facilitate grazing, woodland would need to be cleared. This was assessed as being potentially very harmful.

3.12 Site 4: land at Aykley Wood, Aykley Heads. The site is an area of scrub that has colonised abandoned grassland. It was anticipated that to facilitate grazing the established scrub would need to be cleared. This would entail

some adverse landscape and visual effects. The site lies in an area being actively explored for other potential uses as part of the development of a masterplan for the Aykley Heads employment site and it was considered prejudicial to this to remove the vegetation or fix the use of the land as grazing at that time.

3.13 Site 6: land at Providence Row, Durham. The site is an area of riverbank of similar character to the river banks of The Sands located around 800m downstream on the same side of the river. It is currently unmanaged grassland with thinly scattered trees and scrub. It was considered the most appropriate 'like for like' replacement in landscape terms given its location and character. Registration as common land would not be likely to entail any adverse landscape of visual effects.

4 SUMMARY AND CONCLUSIONS

4.1 The Release Land has been enclosed since the mid C20th. Its current boundary with the remainder of the common has been in place since that time. The land was in use as a coach park since the mid 1990s, forming part of a larger municipal car park, since when it has formed part of the site for the new County Council headquarters.

4.2 The development of the new County Council headquarters provides for the retention of the area as car parking of a similar layout and general character. While that development will entail some adverse effects on landscape character in the short term, primarily occasioned by the removal of boundary vegetation, in the medium and longer term the effects will fall to neutral as new boundary features mature.

4.3 In the context of the current and recent character of the land, and its future character when redeveloped as a car park, the effects of de-registration in itself on the character of the landscape of the release land and the remaining part of the common would be neutral.

4.4 The Release Land lies on low ground. It doesn't figure strongly in wider views of the city but is viewed at close quarters from sensitive receptors including users of nearby roads, footpaths, public open space and nearby residents.

4.5 The re-development of the coach park as a car park would result in some localised and temporary adverse visual effects, occasioned by the loss of existing vegetation and the exposure of parked vehicles, which would reduce as new planting matured. These effects are assessed as ranging from negligible to low.

4.6 In the context of the current and recent visual characteristics of the land, and its future appearance when redeveloped as a car park, the effects of de-registration in itself would be neutral.

4.7 The Replacement Land is currently open grassland managed for nature conservation. The registration of the land as common would have no effect on its features, character or visual appearance.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF DAVID MASON ON BEHALF OF DURHAM COUNTY COUNCIL

(Archaeology)

27 NOVEMBER 2020

Signature: .....

Date: 02.02.2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is David Mason and I am employed by the Council as its Principal Archaeologist. I have held this post since December 2004. My duties are primarily concerned with the management of archaeology within the planning process.

1.2 I have a degree and a doctorate in Archaeology and am a full Member of the Chartered Institute for Archaeologists as well as a Fellow of the Society of Antiquaries of London.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns any archaeological interest in the relevant land parcels.

1.5 My evidence will address the impact of a change of use on the archaeology present in any of the land parcels.

1.6 I make reference to the following documents:

- Land at The Sands, Durham City: Geophysics and Trial-Trench Evaluation 2004. Archaeological Services Durham University, Report 1175 [ASUD 1175]. [Document 3i]

- Archaeological Evaluation Final Report. The Sands and Durham Sixth Form Centre Car-Parks, 2018. Northern Archaeological Associates Report 18/057. [NAA 18/057] [Document 3ii]

2 RELEASE LAND

2.1 Part of The Sands, Durham City.

An archaeological evaluation consisting of geophysical survey and trial-trenching of the area immediately east of the proposed Release Land was carried out in 2004 [Document 3i]. This encountered substantial levelling up deposits of 19th and 20th century date resting on natural subsoil. A similar exercise took place in 2018 on the land immediately west of the proposed

Release Land as part of the preliminaries for the new council HQ development [Document 3ii]. Apart from the remains of a mill race close to the riverbank which had been filled in during the 1930s no archaeological deposits or features were found and once again extensive levelling up deposits of relatively recent date were encountered.

Consequently, should the application regarding the Release Land be granted there would be no archaeological impact.

3 REPLACEMENT LAND

3.1 Land east of the Rivergreen Centre, Aykley Heads.

The proposed Replacement Land does not contain any upstanding archaeological features such as earthworks and there are no entries in the County Durham Historic Environment Record regarding the discovery of archaeological objects within or close to its boundaries. Its potential for containing sub-surface archaeological remains is unknown as it has never been investigated.

Given that there would be no built development on this area should the application concerning the Replacement Land be granted there would no impact on archaeology.

None of the alternative sites contain upstanding archaeological features and none are known to possess sub-surface archaeological remains. A use as Common Land would thus have no archaeological impact.

4 SUMMARY AND CONCLUSIONS

4.1 The application does not have any archaeological implications. The proposed Release Land does not contain any archaeological resource and the use as Common Land of any of the sites considered as Replacement Land would not not have any archaeological implications.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF MIKE OGDEN ON BEHALF OF DURHAM COUNTY COUNCIL

(Public rights of way and recreation)

27 NOVEMBER 2020

Signature: .....

Date: 2 February 2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Mike Ogden and I am employed by the Council as the Access and Rights of Way Team Leader. I have been a member of this team for 31 years and have held this particular post since 2012. My Team is responsible for the management of public rights of way and access land within County Durham, and accordingly my duties are primarily to ensure the effective management of the public rights of way network and access land by means of maintenance, enforcement and legal recording.

1.2 I have a BA (Hons) in Recreation and Enviroment and am a Fellow and former President of the Institute of Public Rights of Way and Access Management (IPROW).

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns access and rights of way matters at both the Release and Replacement Land.

1.5 My evidence will address past and present use at both sites, access to the sites, and the alternatives sites that were considered.

1.6 I make reference to the following documents, photographs and plans:

- Definitive Map – Release Land [Document 4i]
- Email dated dated 16 August 2018 [Document 12 xviii]
- Definitive Map – Replacement Land [Document 4ii]

2 RELEASE LAND

2.1 There are no recorded public rights of way on or adjacent to the Release Land. A copy extract from the Definitive Map of Public Rights of Way is at [Document 4i]. The nearest recorded public right of way is Public Footpath No. 77 which crosses an area of The Sands to the east of the Release Land.

2.2 There are no pending applications to add paths to the Definitive Map for this location, nor has any evidence been submitted alleging the existence of a public right of way.

2.3 Section 193 of the Law of Property Act 1925 is engaged with respect to the Release Land and it is therefore considered to have both pedestrian and equestrian rights of public access for air and exercise. It is of note that it is shown as 'open access land' on Ordnance Survey maps. Given the previous occupation by the Royal Observer Corps, section 193(6) may apply to that period of occupation but this is a matter for legal submission and not a matter I can assist with.

2.4 I am aware that the rest of The Sands is used both for informal recreation, and also for specific events such as fairs. I have no knowledge or evidence as to whether the Release Land itself is or was ever used for public recreation.

2.5 The Release Land is situated adjacent to the River Wear, close to the centre of Durham City. There are residential areas to the east of the site, but in other directions it is mainly commercial, retail or public buildings in the immediate vicinity. It is accessible by road from all directions, and via Pennyferry Bridge for pedestrians from the opposite side of the river. 2019 estimates are that 1,830 people live within 500m of The Sands, and 30,659 within 2km.(1)

2.6 The Release Land is 1,675m^2 in area, the balance of the common land at The Sands, unaffected by the application, is 27,399m^2, and the Replacement Land is 18,371m^2. The vast majority of the common land at The Sands is therefore unaffected by this release, and will remain available for the public to use in accordance with Section 193 of the Law of Property Act 1925. The Replacement Land will provide a net gain in the area of common land within Durham City of 16,696m^2.

2.7 Use of Pennyferry Bridge, then Framwellgate Waterside, Sidegate and Framwellgate Peth is the most direct pedestrian access from the Release Land to the Aykley Heads site and the Replacement Land, a journey of approximately 1.8km, with an overall gain in altitude of approximately 55 metres. However, users of the Replacement Land will not originate exclusively from the Release Land. I discuss this in more detail at paragraphs 3.6 – 3.8

3 REPLACEMENT LAND

3.1 A total of six potential sites for replacement land were considered. My team was consulted as part of the assessment of these sites and my specific

comments were made in an email dated 16 August 2018 which is at [Document 12xviii], and reflected both existing and potential access within and to each site, size, terrain and vegetation. It was my view that Site 5, the site subsequently chosen as Replacement Land, was the most suitable.

3.2 There are no recorded public rights of way on or adjacent to the Replacement Land. A copy extract from the Definitive Map of Public Rights of Way is at [Document 4ii]. The nearest recorded public right of way is Public Footpath No 2 which crosses the railway line north-east of the site.

3.3 There are no pending applications to add paths to the Definitive Map for this location, nor has any evidence been submitted alleging the existence of a public right of way.

3.4 The Replacement Land and much of the surrounding area is owned by the Council, and there is a network of constructed and informal walking and cycling routes in the wider area, used by the public but without any formal status. The Replacement Land itself is fenced and does not have any defined routes within it, nor any physical evidence of public recreational use.

3.5 The Replacement Land has no current status in terms of its use by the public, and is not mapped or recorded as being accessible for the public.

3.6 Walking and cycling routes connect the Replacement Land to the large residential areas of Framwellgate Moor and Newton Hall to the north and west, as well as more recent residential developments on the site of the former Police headquarters immediately adjacent. A public vehicular highway provides access close to the site

3.7 There is no existing registered common land within the Framwellgate Moor/Newton Hall area. 2019 estimates are that 3,310 people live within 500m of the Replacement Land, and 35,148 within 2km.[1]

3.8 The Replacement Land will therefore be more convenient than the Release Land for more people, for the purposes of access and recreation. Clearly for some people who live near to the Release Land the journey to the

[1] Data on populations is Based on 2019 mid-year populations estimates at LSOA level. Methodology based on LSOAs with their centroid within the buffer area. LSOAs are lower layer super output areas, a government measure of population.

Replacement Land would make it less convenient, but of course the remainder of The Sands common land will still be available for public use.

3.9 If the application is granted there is the potential for increased use of some of the paths in the vicinity of the Replacement Land, and consideration as to the future status of such routes will be a matter for the Council as landowner in the future. Section 193 of the 1925 Act would apply to the Replacement Land, so the public would have access to it as a result, both on foot and on horseback.

3.10 As stated in paragraph 3.1, a total of six potential sites for replacement land were considered. It was considered that site 5 offered the best opportunities for increasing and enhancing the provision of recreation and public access, being larger, mainly flat, free of tree cover, easily accessible from significant residential areas and in an area of the City without any land formally designated as common land or access land.

4 SUMMARY AND CONCLUSIONS

4.1 It is considered that the Release Land does not have unique qualities or attractions that cannot be met by the rest of The Sands, and that the overall effect of the exchange is to both increase the total area of common land within Durham City and to bring such land within easy reach of more people.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF STUART PRIESTLEY ON BEHALF OF DURHAM COUNTY COUNCIL

(Ecology matters)

27 November 2020

Signature: .....

Date: 2nd Feb 2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Stuart Priestley and I am employed by the Council as a Principal Ecologist. I have held this post since 2017. My duties are primarily to input into Development and Strategic Planning, land management, ecological and protected species surveys and development of the authority's strategic approach to the natural environment.

1.2 I have a BSc in Environmental Biology and MSc in Conservation Biology and am a Member of the Chartered Institute of Ecology and Environmental Management and have 27 years experience in ecology gained by working in the private, charitable and public sectors.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns the ecological impacts of the proposal.

1.5 My evidence will address the ecological value of the release land and that of the replacement land and the potential impacts on biodiversity.

2 RELEASE LAND

2.1 The release land is not covered by any statutory or non statutory biological designations.

2.2 The release land is not classed as a UK Priority Habitat or Habitat of Principal Importance under the NERC Act. The habitats on site are developed land/sealed surface and scattered trees. The value of semi-natural habitats at the site is reduced by lighting impacts and high levels of disturbance.

2.3 The wider Sands common is comprised of amenity grassland of low ecological value and a corridor of poor semi-improved grassland and riparian trees along the River Wear.

2.4 There are no European Protected Species (EPS) associated with the release land.

2.5 The key ecological linkages are outside of the release land, this being the riparian woodland to the immediate north of the release land which connects to the riparian woodland and grassland habitats along the River Wear.

3 REPLACEMENT LAND

3.1 The replacement land is not covered by any statutory or non statutory biological designations.

3.2 The replacement land is not classed as a UK Priority Habitat or Habitat of Principal Importance under the NERC Act. The habitat on site is regarded as a semi- improved neutral grassland.

3.3 A hedgerow borders the western and part of the eastern boundary and this feature is regarded as a UK Priority Habitat or Habitat of Principal Importance under the NERC Act.

3.4 European Protected Species (EPS) are not regarded as as constraint on the replacement land. A great crested newt breeding pond is located approx. 220m to the east. There are no suitable locations for bat roosts within and around the replacement land.

3.5 The replacement land provides habitat for breeding birds.

3.6 No impacts are expected on EPS. There will be no impacts on great crested newt breeding locations. The risks to any great crested newts potentially utilising terrestrial habitats are negligible given the distances from breeding sites and the substantial amount of terrestrial habitat available in the locality.

3.7 Impacts on biodiversity arising from registration as common will include, without mitigation or management, increased disturbance on breeding birds from recreational activity and potentially inapprioriate grazing impacting on the quality of grassland habitats. No impacts are expected on the hedgerows.

3.8 Impacts on breeding birds can be mitigated for by the use of signage to promote the keeping of dogs on leads whilst in the site and the creation of a mown path which will facilliate access and reduce disturbance. These

measures, including an additional access point were proposed by Natural England and accepted by the Authority.

3.9 Inapprioriate grazing has the potential to significantly reduce the floristic diversity of the grassland, if there is any grazing. Given the low stock numbers that would be permitted on the replacement land it is entirely feasible to develop a suitable low intensity grazing regime which protects and enhances the grassland.

3.10 Alternative replacement sites at Flass Vale and to the east of College of St. Hild and St. Bede, Durham University, are wooded and conversion to open space would involve significant tree loss and was unacceptable from an ecological perspective.

3.11 Other alternative sites were rejected for reasons other than ecology.

4 SUMMARY AND CONCLUSIONS

4.1 Impacts on nature conservation arising from the de-registering of the release land will be negligible, both on the release land and the wider Sands common.

4.2 Impacts on the replacement land arising from its registration as common land in terms of breeding birds can be mitigated for through signage encouraging users to keep dogs on leads and on mown paths.

4.3 Impacts on the quality of the grassland habitats will be dependant on any grazing regime introduced to the site, if there is any grazing, although it is considered feasible to develop a low level grazing regime which protects and enahances the grassland .

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF SUSAN ROBINSON ON BEHALF OF DURHAM COUNTY COUNCIL

(Ownership/history of land)

27 November 2020

Signature: .....

Date: 3 February 2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 ALTERNATIVE SITES CONSIDERED AND CONSULTATION

5 PROCEDURAL HISTORY OF S16 SUBMISSION

6 **SUMMARY AND CONCLUSIONS**

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Susan Robinson. I am the Council's Head of Corporate Property and Land, a position which I have held since 3rd June 2019. My service deals with the management of the Council's property and land portfolio and my duties are primarily to lead the policy making processes of the Council in relation to the strategic and operational management and direction of the Authority's property and land portfolio. I therefore have overall responsibility for the Council's land holdings.

1.2 I qualified as a Chartered Surveyor in 2007 *(DipSurv MRICS)* and have 33 years' experience working in the public sector.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this Inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns the release land at the Sands and the replacement land at Aykley Heads.

1.5 My evidence will address the acquisition and title review of the release land and the replacement land.

1.6 The documents I refer to are listed below along with the appendix reference as they appear in the overall bundle of documents submitted to the Public Inquiry:

- Release Land Official copy of title DU312002 (3rd July 2020) [Document 6i]
- 12th December 1848 the Diocese leased the land to the City of Durham [Document 6ii]
- 18th September 1850, Durham City Council granted, by deed of rights to the Freemen [Document 12xi]
- Conveyance dated the 20th December 1860 between The Ecclesiastical Commissioners for England and the Mayor Alderman and Citizens of the City of Durham [Document 6iii]
- Appropriated from the Town and Country Planning Act 1990 to the Local Government Act 1972.[Document 6iv]
- 29th February 1968 the Freemen successfully registered a Right of Common based on the 1850 Agreement [Document 12vi]
- Common Registration Plan CL29 [Document 12iii]
- Agreement with the Freemen for car and coach park lands and variations to these deeds - 7th September 1981 [Document 6v]
- Agreement dated 12th January 1995 [Document 12v]
- OS Historic Maps 1860 – 1994 [Document 6 vi]
- Aerial photograph – 2001. [Document 6vii]
- Original conveyance and completion statement for Carr House Farm – 12th July 1951.[Document 16ii]

- Replacement Land Official copy of title DU285400 (3rd September 2020) [Document 6viii]
- Schedule of easements relating to the title for the Replacement Land [Document 6ix]
- Potential replacement sites assessment – October 2018 [Document 6x]
- Delegated Authority report for site selection and submission of S16 application.[Document 6xi]
- Delegated Authority report for the undertaking of informal consultations on the proposed S16 submission [Document 12xiv]
- List of consultees for informal consultation exercise [Document 6xii]

2 RELEASE LAND

2.1 The Release Land forms part of the registered title DU312002 which includes land on the northern bank of the River Wear directly to the north. The County Council of Durham are the registered proprietors of this freehold title and a register and plan extract have been included as **Document 6i**.

2.2 Mines and minerals together with ancillary powers of working are excepted with provision for compensation.

2.3 On the 12th December 1848 the Diocese leased (included as **Document 6ii**) the release land to Durham City Council and on the 18th September 1850, Durham City Council granted, by deed, rights to the Freemen which were for the holding of fairs and a right of herbage (included as **Document 12xi**). In the acquisition in 1860 which I refer to below, there does not appear to be any additional or fresh document with the Freemen to rectify this.

2.4 The release land was acquired pursuant to a conveyance dated the 20th December 1860 between the The Ecclesiastical Commissioners for England and the Mayor Alderman and Citizens of the City of Durham (a statutory predecessor to the Council) and included as **Document 6iii**. The land is currently held by the Council's Regeneration Economy and Growth service as an asset under construction and was appropriated from the Town and Country Planning Act 1990 to the Local Government Act 1972 on the 9th May 2019 (included as **Document 6iv**).

2.5 On the 29th February 1968 the Freemen successfully registered a Right of Common based on the 1850 Agreement (included as **Document 12xi**). The registration was disputed and an entry on the Commons Register establishes that the dispute was settled and part of the land was excluded from the Commons Registration.

2.6 The effect of this final registration is that the Release Land (Coach Park land) continued to be common land under Commons Registration (CL29) and the Car Park land was excluded from The Commons Register. A plan of the extent of the Common Land registration is included as **Document 12iii**.

2.7 On the 7th September 1981 the City Council entered into two agreements with the Freemen **(Document 6v)** for:

i) The Car Park land (excluded from the 1981 Commons Registration); and,

ii) The Release Land (Coach Park Land).

2.8 The Wardens of the City of Durham Freeman and the City Council entered into an agreement for a term of 99 years which acknowledges that the Release Land is in the ownership of the City Council (see plan as **Document 6v8**) and is expressed to be subject to the rights of the Freemen to use and exercise rights of common thereon as set out in the 1850 Agreement.

2.9 The 1981 agreement states the 1850 agreement entitles the Freeman to receive a portion of rents and profits from the Release Land and in return for a rent the Freemen agreed to the construction of a Sports Centre or other Municipal Buildings on the land outside of the Release Land and the agreement sets out the arrangements by which the Council will pay rent.

2.10 Further the Wardens of the City of Durham Freeman agreed to waive the rights of common in the 1850 agreement in return for rent in relation to the land (not including Release Land) hatched on the plan as **Document 12iii.** Subsequently by deed of variation, dated the 29th March 1985, (included as part of **Document 6v**) this wording was varied to allow for the land to be used as a municipal car park.

2.11 The City Council also entered into an agreement with The Wardens for a term of 14 years which was varied by an agreement of the 29th March 1985. A further agreement dated the 18th January 1995 (**Document 12v**) was entered into by the parties with an end date of the 7th September 2080. The Wardens entered the 1995 agreement to surrender their rights under the 1850 deed, (including waiving the right to graze the Release Land), in so far as they related to all the land at the Sands including the Release Land then to be used and in so far as the 1850 agreement remained effective (which was in doubt). In return, the Freemen received rents and profits to facilitate the development of a car park on the Release Land.

2.12 An annual fee is payable to the Freeman as provided for in the agreement made 18th January 1995. This fee is stated in the agreement as being £850 exclusive of VAT. The fee is reviewable on a three yearly basis, and assumes that a hypothetical lease for the land is in place on appropriate conditions with a user assumed to be a municipal car park. The fee is to be calculated at 2/3rds the rent that the land could be let at assuming the above, less the value of any buildings on the land. The current annual fee payable to the Freeman (reviewed September 2017) in relation to the Release Land is £5,920.

2.13 The Common Land Registration includes for the grazing of stock, that is defined as 50 Sheep, 20 cattle, 10 horses and 10 goats across the whole designation. A review of the historic maps in relation to the Release Land establishes that prior to the application by the Freeman for registration of Common Land status in 1968, the Release Land was split by a former mill race. The mill race was in active use from the earliest OS plan of 1860 until 1960 and covers most of the release land.

2.14 On the OS plan of 1960 – 1969 there is a building on the southern part of the site and by 1979 had been extended to cover most of the site. By 1997 the building had reduced in scale and occupied only the north-eastern corner of the site. Included as **Document 6vi** are the historic maps with Release Land edged red.

2.15 An aerial photograph taken in 2001 (included as **Document 6vii**) with the Release Land edged red) indicates that the building had been demolished and laid out as a car park. The use as a car park or coach park has continued since the aerial photograph of 2001 save that more recently the Release Land has become part of the construction site for the new County Council headquarters.

2.16 It is evident that there was only a very small area available for grazing from 1860 to the closure of the mill race in about 1960. The subsequent development of a building on the site at the latest in 1979 establishes that it would have been difficult, if not impossible, for there to have been any grazing of stock on the Release Land over the last 41 years.

2.17 In the event that the adjacent land had not been developed for municipal offices, the Release Land would have been retained for use as a coach park. The Council is unaware of any resolution by the Freemen to the effect that they intend to graze the Release Land or The Sands or Replacement Land and indeed the history set out above suggests that they have no intention to do so.

3 REPLACEMENT LAND

3.1 The replacement land formed part of the High Carr House Farm and was purchased by the County Council of Durham from the owner on the 12th July 1951 The original conveyance and completion statement have been included as **Document 16ii**. An office copy of the replacement land from Land Registry (title number DU285400), shows that the Council own the freehold with the most recent update to the 3rd July 2020, has been included as **Document 16 viii**.

3.2 The land holding, extending to 72ha (172.92 acres) was purchased by the Finance department of the County Council and was initially held under the Finance Act 1950. The land continued to be held in this Act until the Replacement Land, and surrounding land, was appropriated to the Countryside Act 1968 on the 3rd March 2008. This appropriation was to facilitate a Tree Planting Scheme as part of the Mineral Valleys Project in 2008. No trees have been planted on the Replacement Land as part of this scheme. A copy of this appropriation is at Document 16 iv.

3.3 The Replacement Land has not been used for any form of grazing and there is no intention by the Council to allow grazing on the replacement land subject to the outcome of the application.

3.4 Since title number DU285400 was acquired there have been various developments on this land including County Hall (the present headquarters building for the County Council of Durham); office blocks by Rivergreen and by Sunderland Marine Mutual Insurance Company, residential development (Persimmon) and for the Durham Police Authority Headquarters building.

However, no built or other development has taken place on the Replacement Land.

3.5 There have been numerous grants of easements relating to title number DU285400 in which the Replacement Land is comprised. A full schedule of all easements has been included as **Document 6ix**.

4 ALTERNATIVE SITES CONSIDERED & CONSULTATION

4.1 The proposed new HQ building for the County Council will involve the development of the Release Land, extending to 1,752 m^2 (0.17ha), which is part of the Sands Common Land. On this basis a search for replacement land was undertaken in October 2018. As the Commons Register identifies the Release Land for the grazing of livestock, the replacement land would need to be in open meadow/grazing use to ensure that the replacement is on a like for like basis.

4.2 The criteria used to consider potential land to replace the Common Land required for part of the development associated with the New HQ were:

1. The land should be adjacent to an existing area of Release Land;
2. The potential land must be in the ownership of Durham County Council;
3. If not adjacent then as close as practical to the land to be replaced; and,
4. A size suitable to replace the Common Land to be de-registered

4.3 The site assessment reviewed six sites in the ownership of the County Council and the assessment process included consultation with other Council Service Areas . The conclusion of the site assessment identified an area of land to the East of the Rivergreen offices at Aykley Heads (site 5) as the most appropriate for the replacement land. Plans of all the alternative sites assessed are included as **Document 6x**.

4.4 Following the assessment of the alternative sites, a Delegated Authority report was prepared to confirm the selection of Replacement Land and to submit a S16 application. The Delegated Authority report was approved on the 24th October 2018 which identified Site 5 – East of Rivergreen and authorised the submission of the S16 application. A copy of the report has been included as **Document 6xi**

4.5 Prior to submitting the S16 application an informal public consultation exercise was to be undertaken. The proposed informal consultation process had not been included in the Delegated Authority to submit the S16 application and therefore a separate Delegated Authority was obtained on the 24th April 2019. The delegated Authority Report for the informal consultations has been included as **Document 12xiv**.

4.6 The informal consultation exercise was undertaken between April and June 2019. This included consultation with the relevant County Council Portfolio Holders and Local Ward Members for the release and replacement land. Consultation with the Council Members was completed prior to the other

consultees which had been identified. The list of informal consultees is included as **Document 6xii**.

PROCEDURAL HISTORY OF S16 APPLICATION

4.7 The S16 application to de-register 1,752 sq m of Common Land at The Sands and replace this with 18,371 sq m at Aykley Heads was submitted on the 20th August 2019.

4.8 The statutory advertisement for the submission commenced on the 22nd August 2019. This included putting up notices on the Release and Replacement Land, at various locations, from the 22nd August 2019 for a six-week period ending on the 3rd October 2019.

4.9 The Council received a first round of objections from PINS on the 7th October 2019 and responses to these objections were issued on the 28th October.

4.10 A second round of objections from PINS was received by the Council on the 29th November and responses to these objections were issued on the 20th December 2019.

4.11 A further round of objections was received be the Council from PINS on the 2nd January 2020 and responses to these latest objections were sent out on the 31st January 2020.

4.12 On the 13th March 2020 the Council were advised by PINS that the procedure for determining the S16 application had been changed for Written Representations to a Public Inquiry.

4.13 The convening of the Public Inquiry has been delayed by the on-going national health crisis and the Inspector's requirements relating to the submission of evidence were received by the Council on the 21st October 2020.

5 SUMMARY AND CONCLUSIONS

5.1 The County Council of Durham, and its statutory predecessors in title, since entering into a lease in 1848 have had a legal interest in the Release Land, subsequently acquiring the freehold in 1860. The freehold of the Replacement Land was acquired through a conveyance on the 12th July 1951 and the County Council are the registered proprietors of the freehold title.

5.2 The Release Land is currently held by Regeneration Economy and Growth as an asset under construction and has been appropriated to the Local Government Act 1972.

5.3 The Freemen were originally granted rights to hold fairs and for herbage in a deed of rights in 1850. There have been further agreements between the Freemen and Durham City Council with the most recent agreement entered into by both parties on the 18th January 1995. This surrendered the rights of of grazing on the Release land.

5.4 Under the terms of the 1995 Agreement the Country Council pay an annual fee to the Freemen, which is reviewable every three years, and in respect of the Release Land the annual fee is currently £5.920.

5.5 The release land was included in the Common Land (CL29) which includes for the grazing of stock. It is evident for the historical maps and aerial photographs (as **Documents 6vi** and **6vii**) that only a small aera would have been available and it would have difficult if not impossible for any grazing on the Release Land.

5.6 In the event that the adjoining land had not been developed for Municipal offices, the Release Land would have continued in use as a coach park.

5.7 The replacement Land was acquired, as part of a large farm holding, through a conveyance in 1951 and the title for the land (number DU285400) shows that the Council own the freehold Title.

5.8 The Replacement Land, (and surrounding land) was appropriated from the Finance Act 1950 to the Countryside Act 1968 to facilitate tree planting scheme as part of the Mineral Valleys Project. There have not been any trees planted on the Replacement Land.

5.9 A site search was undertaken in October 2018 in order to identify the most sutiable site for replacement of the Release Land and that resulted in the Replacement Land being selected.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

SUMMARY PROOF OF EVIDENCE OF SUSAN ROBINSON ON BEHALF OF DURHAM COUNTY COUNCIL

(Ownership/history of land)

27 November 2020

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 ALTERNATIVE SITES CONSIDERED AND CONSULTATION

5 PROCEDURAL HISTORY OF S16 SUBMISSION

6 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Susan Robinson. I am the Council's Head of Corporate Property and Land, a position which I have held since 3rd June 2019. My service deals with the management of the Council's property and land portfolio and my duties are primarily to lead the policy making processes of the Council in relation to the strategic and operational management and direction of the Authority's property and land portfolio. I therefore have overall responsibility for the Council's land holdings.

1.2 I qualified as a Chartered Surveyor in 2007 *(DipSurv MRICS)* and have 33 years' experience working in the public sector.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this Inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns the release land at the Sands and the replacement land at Aykley Heads.

1.5 My evidence will address the acquisition and title review of the release land and the replacement land.

1.6 A list of the documents to which I refer is included in my main Proof of Evidence.

2 RELEASE LAND

2.1 My evidence states that the County Council of Durham are the registered freehold proprietors of The Sands (including The Release Land) as part of registered title DU312002 (**Document 6i**).

2.3 Durham City Council entered into a lease for the release land in 1848 and on the 18th September 1850, granted to the Freement rights which were for the holding of fairs and a right of herbage (**Documents 6ii & 12xi)**.

2.4 The freehold to the release land was acquired by the Mayor Alderman and Citizens of the City of Durham on the 20th December 1860 from The Ecclesiastical Commissioners for England (**Document 6iii)**. The land is currently held as an asset under construction and has been appropriated to the Local Government Act 1972 (**Document 6iv)**

2.5 On the 29th February 1968 the Freemen successfully registeresd a Right of Common based on the 1850 Agreement (**Document 12xi)**. The registration was disputed and was settled with part of the land being excluded from the Commons Registration.

2.6 The effect of this amendment is that the Release Land continued to be common land under the Commons Registration (CL29) and the Car Park land was excluded in respect of The Commons Register. A plan of the Common Land registration is at **Document 12iii**.

2.7 On September 1981 the City Council entered into two agreements with the Freemen for the Car Park land, excluded from the Commons Registration; and The Release Land (**Document 6v**).

2.8 The agreement is for a term of 99 years which acknowledges that the land is in the ownership of the City Council and is subject to the rights of the Freemen to use and exercise rights of common set out in the 1850 Agreement.

2.9 The 1981 agreement states the 1850 agreement entitles the Freemen to receive a portion of rents and profits from the land out the Release Land, in return for a rent the Freemen agreed to the construction of a Sports Centre or other Municipal Buildings on the land.

2.10 Further the Wardens of the City of Durham Freemen agreed to waive the rights of common in the 1850 agreement in return for rent. A subsequent deed of variation allowed for the land to be used as a municipal car park.

2.11 My main Proof of Evidence outlines further agreements which have been entered into between the The City Council and The Freemen, in particular in 1995 (**document 12v)** and goes on to indicate that in return for the Freemen surrendering their rights under the 1850 agreement they will received rents to facilitate the development of a car park on the land.

2.12 My main Proof of Evidence also sets out that the annual fee included in the 1995 agreement is reviewable every three years. The current annual fee payable to the Freeman (reviewed September 2017) in relation to the Release Land is £5,920.

2.13 The Common Land Registration includes for the grazing of stock. A review of the historic maps for the Release Land establishes that prior to the Common Land application by the Freemen, the Release Land was split by a former mill race.

2.14 The historic maps (**Document 6vi**) establish that by 1969 there is a building on the southern part of the Release Land which extended to cover most it.

2.15 An aerial phograph taken in 2001 (**Document 6vii)** indicates that the building had been demolished, laid out as a car park or coach park which use has continued since the aerial photograph of 2001. More recently the Release Land has become part of the construction site for the new County Council HQ.

2.16 It is evident that there was only a very small area on the Release Land available for grazing from 1860 to the closure of the mill race in about 1960. The developmnet of a building on the site at the latest in 1979 establishes that there has not been any grazing of stock on the Release Land over the last 41 years.

2.17 In the event that the adjacent land had not been developed for municipal offices, the Release Land would be retained for use as a coach park.

3 REPLACEMENT LAND

3.1 The replacement land was purchased by the County Council of Durham on the 12th July 1951 (**Document 16ii)** and the Council are the registered freehold proprietors under title number DU285400 **(Document 16 viii)**.

3.2 This was purchased by the Finance Department and held under the Finance Act 1950. The Replacement Land, and surrounding land, was appropriated to the Countryside Act on the 3rd March 2008 to facilitate tree planting as part of the Mineral Valleys Project. No trees were planted on the replacement as part of this scheme (**Document 16 iv)**.

3.3 The Replacement Land has not been used for any form of grazing and there is no intention by the Council to allow grazing on the Replacement Land.

3.4 Other other parts of title number DU285400 have been developed for various uses including County Hall, office blocks, residential development and for the Durham Police Headquarters building.

3.5 There have been numerous grants of easements in respect of this title (**Document 6ix)**.

4 ALTERNATIVE SITES CONSIDERED & CONSULTATION

4.1 The proposed new HQ building for the County Council involves the Release Land extending to 1,752 m^2 (0.17ha). A search for replacement land was undertaken in October 2018.

4.2 The criteria for the replacement Common Land were:

1. The land should be adjacent to an existing area of Common Land;
2. The potential land must be in the ownership of Durham County Council;
3. If not adjacent then as close as practical to the land to be replaced; and,
4. A size suitable to replace the Common Land to be registered

4.3 Six sites in the ownership of the County Council were reviewed which included consultation with other Council Service Areas. The assessment identified an area of land to the East of the Rivergreen offices at Aykley Heads (site 5) as the most appropriate for the replacement land. Plans of all the sites considered are at **Document 6x**.

4.4 Delegated Authority was given to proceed with the Replacement Land and submit a S16 aplication (**Document 6xi).**

4.5 Prior to submitting the application, authorization was given separately to undertake an informal public consultation (**Document 12xiv).**

4.6 Informal consultation included the County Council Portfolio Holders and Local Ward Members for the Release and Replacement Land. A list of the all consultees has been included in my main proof of evidence (**Document 6xii)**.

5 PROCEDURAL HISTORY OF S16 APPLICATION

5.1 My main Proof of Evidence sets out the procedual history of the S16 application.

6 SUMMARY AND CONCLUSIONS

6.1 The Release Land has been in the ownership and County Council since 1860, is registered under title number DU312002 and is currently held under the Local Governent Act 1972.

6.2 The Replacement Land has been owned by the Council since 1951, is registered under title number DU285400 and is currently held under the Countryside Act 1968.

6.3 It is evident from the historical maps and aerial photographs that only a small aera of the Release Land would have been available for grazing between 1860 and 1960 and due to the existence of a building, it would have been difficult, if not impossible, for such to take place over the last 41 years. The Freemen surrendered their grazing rights on the Release land in 1995 in return for an annual fee which the Council pays. There is no evidence that the Freemen have any intention whatsoever to graze the Release Land.

6.4 In the event that the adjoining land had not been developed for Municipal offices, the Release Land would have continued in use as a coach park.

6.5 The Replacement Land was identified through acomprehensive site search and is a suitable substitute for the Release Land.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

PROOF OF EVIDENCE OF DAVID SPARKES ON BEHALF OF DURHAM COUNTY COUNCIL

(HERITAGE)

27 NOVEMBER 2020

Signature: .....

Date: 03/02/2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 RELEASE LAND

3 REPLACEMENT LAND

4 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is David Sparkes. I am employed by Durham County Council as a Principal Design and Conservation Officer. I have held this post since 2011. My duties are primarily managing a specialist team providing advice with regards to the historic and built environment primarily as part of the development management and regeneration functions.

1.2 I have the following qualifications: BA (Hons) Architectural Studies, B Arch (Hons)

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence concerns the application for deregistration of part of common land at The Sands, Durham.

1.5 My evidence will address the heritage significance of the release land, the replacement land (including alternatives) and the impact on significance on the said parcels of land should the release be granted.

1.6 I refer to the following documents, photographs, and plans:

- Durham City Conservation Area Character Appraisal dated 29 July 2016 [Document 7i]
- Historic England's Conservation Principles, Policies and Guidance (2008) [Document 7ii]

2 RELEASE LAND

2.1 The release land in question presents itself as a piece of urban fringe utility space associated with transport infrastructure having been a coach park since 1995 when it became an extension to municipal car park, (with agreement to this use having been formalised in 1985). Historically the land in question facilitated a mill race but the land in question would appear to have been disaggregated from the remainder of The Sands approx. 80 years ago when it was used as an ordnance depot during WW2.

2.2 The site is within the boundary of Durham City Centre Conservation Area, within Character Area 2, Framwellgate.

2.3 Durham City was designated as a conservation area on the 9th August 1968. The original conservation area boundary concentrated on the historic core of the city but did not include the larger areas abutting the Medieval core. The Sands area including the site in question was not part of this designation.

2.4 Subsequently on the 25th November 1980 the conservation area boundary was significantly enlarged to incorporate a much wider section of the city centre encompassing the pre1900 expansion of the city and the majority of the natural 'bowl' (the upper slopes of which present a largely rural backdrop to views of Durham Cathedral), the important green wedges of open countryside and other significant green spaces which contribute to and enhance the setting of the historic buildings and the city as a whole including the Sands area and the release site in question. There was no conservation area appraisal produced at this time.

2.5 In July 2016 the conservation area boundary was amended, and a Conservation Area Character Appraisal adopted by the County Council including assessment of the significance of The Sands and referencing the site in question. Whilst the site is within the Conservation Area there are no designated or non-designated heritage assets within the site boundary.

2.6 The adopted Conservation Area Character Appraisal (2016) notes The Sands as being a key landscape feature that affords an important contribution towards the setting of the World Heritage Site (WHS) and heritage assets within the city centre:

"The Sands area itself is a significant area of open space that extends effectively into the landscaped grounds of the Sixth Form College and the wild spaces within the churchyard of St Nicholas. These elements drawn together create an evolving and characterful environment of high landscape value that have significant interest and are extremely important in terms of backdrop and setting to the Cathedral and the city centre. From within this part of the character area, a number of magnificent views and vistas can be obtained of the river and the cathedral. It is the sub-character area's unique topography, landscape and landmark buildings that creates a historic environment of high significance. (p.132)"

2.7 However, in contrast to this the appraisal notes that the coach park is effectively screened by trees which have visual amenity value. (p.126), implying that the Coach park (Release Land) does not contribute positively to setting.

2.8 In terms of its significance the appraisal also identifies the importance of the communal values of The Sands:

"The open extensive grassland of The Sands provides informal footpaths to the riverbanks…which is used by dog walkers, local residents and the occasional visitor with anglers regularly be seen on the riverbanks. The Sands is used for informal recreational and other activities and the Freemen of the City (the Trustees of The Sands) allow various organised events occasionally throughout the year, e.g. funfairs and circuses. Westwards from The Sands, the riverbanks become more formal with the busy Sands car park and coach park fronting onto the narrow banks. (p.129)"

2.9 The importance of the setting of The Sands to the historic city centre and WHS are identified in the appraisal, as are the social and communal values of The Sands. However, the document also identifies a clear distinction between the open, extensive, and informal grassland of The Sands and the more formal parking areas beside the riverbank. As such the significance as noted above can be seen to relate to the open space of The Sands rather than the defined formalised areas to the west of which no mention is made in terms of aesthetic or communal value.

2.10 The Table below summarises an assessment of the site against the conservation principles outlined with Historic England's Conservation Principles, Policies and Guidance (2008)

Heritage Values Based on Historic England's *Conservation Principles, Policies and Guidance* (2008)		
Evidential value	*the potential of a place to yield evidence about past human activity.*	Refer also to Archaeology Evidence. There has been only limited development on the site, based on a study of map regression, likely due to the riverside flood-plain location and presence of the mill race. Historically, the development of

		Durham was based on the peninsula and surrounding higher land above the river. Consequently, there is very limited evidential value associated with this site.
Historical value	*the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.*	There are no heritage assets (designated or non-designated) within the site boundary. Whilst map regression identifies historical small-scale developments on this site no visible evidence of these remain Therefore, there is no historical value to the site in its current form.
Aesthetic value	*the ways in which people draw sensory and intellectual stimulation from a place.*	Disaggregated from the sands and screened from the East by trees the site has been used as a surfaced car/coach park for a number of years (see above) and would continue to serve the same purpose. The present usage provides no positive contribution in terms of any aesthetic value/quality. The contribution it affords to the character and appearance of the conservation area in terms of its aesthetic qualities would remain the neutral.
Communal value	*the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.*	The site may be identified as common land, however it has limited communal purpose other than for public parking and access There is a clearly legible distinction between this formal site and the informal open space of the Sands to the east which has served as a distinct social space for public events and recreation.

2.11 Based upon the assessment of criteria of significance supported by information within the Durham City Conservation Area Appraisal, in heritage terms the release land in question possesses minimal significance. The lack of historic development on the site limits the evidential and historic value, whilst the current and proposed use for vehicle parking delivers no aesthetic

value. The communal values of The Sands relate to the clearly distinct open landscape to the east rather than to the site in question.

2.12 The Heritage impact on the Release Land if the application is granted has technically been assessed and considered as part of the Planning Permission for the new HQ which has been granted and is lawful. It was obtained in accordance with the relevant statutory procedures involving consultation with Historic England.

2.13 The land use/development within the release land remains generally the same (Vehicular Parking). As such the impact on this section of land could be considered negligible being equal to the impact/contribution to setting and significance of the existing land use.

3 REPLACEMENT LAND

3.1 The replacement land identified is that of Land east of the Rivergreen Centre, Aykley Heads.

3.2 The proposed Replacement Land is not within the Durham City Centre Conservation Area and contains no designated or non-designated heritage assets. Any significance in heritage terms could be considered in that of landscape/ setting to the Durham City Conservation area when approached form the Main Line East Coast. Refer to Landscape Evidence also.

3.3 Should the application concerning the Replacement Land be granted there would no impact on Heritage significance.

3.4 When considering the alternative sites identified within The Sands Replacement Common Land Report dated August 2018 the sites identified contain no designated or non-designated Heritage Assets.

- Land south of Springfield Park, Flass Vale - Within Conservation Area
- Land south west of Flassburn Road – Small Section within Conservation Area
- Land south of St Giles - Within Conservation Area
- Land at Aykley Wood, Aykley Heads – Small Section within Conservation Area
- Land at providence Row, Durham – Not within Conservation Area

3.5 Any contribution to Heritage would be through setting/Historical land use or providing visual amenity having negligible Heritage significance individually.

4 SUMMARY AND CONCLUSIONS

4.1 The Release site contains no designated or non-designated heritage assets. When assessed against Historic England's Conservation Principals criteria in heritage terms the release land in question possesses minimal significance.

4.2 Should the application be granted, the impact on this section of land could be considered negligible being equal to the impact/contribution to setting and significance defined by the existing land use

4.3 The proposed Replacement Land is not within the Durham City Centre Conservation Area and contains no designated or non-designated heritage assets. Any significance in heritage terms could be considered in that of landscape/ setting to the Conservation Area.

4.4 Should the application concerning the Replacement Land be granted there would no impact on heritage significance.

APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

SOCIO-ECONOMIC IMPACT PROOF OF EVIDENCE STUART TIMMISS ON BEHALF OF DURHAM COUNTY COUNCIL

27 November 2020

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 BACKGROUND TO NEW HQ

3 BENEFITS OF NEW HQ

4 BENEFITS OF A NEW BUSINESS PARK AT AYKLEY HEADS

5 SOCIO-ECONOMIC IMPACTS OF REFUSAL OF APPLICATION

6 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Stuart Timmiss and I am the Head Of Development And Housing at Durham County Council. I have been employed by the Council in this position since 2009.

1.2 I have a Diploma in Urban Regional Planning and a Masters in Urban Design. I have worked as a Planner since 1997 and in Local Government since 1982. I have experience in all areas of Town and Country Planning Policy and Regeneration.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My evidence covers the background to the new Council HQ move to the Sands which would involve the siting of a Members' car park and water storage tank on the Release Land, the socio-economic benefits of the new HQ, the socio-economic benefits of the redevelopment of the Aykley Heads site, on which the current Council's HQ building is located and the socio-economic impacts if this application before the Inspector is refused and the Members' car park and the water tank have to be accommodated elsewhere than on the Release Land.

2 BACKGROUND TO NEW HQ

2.1 The recently adopted County Durham Plan, the local plan for County Durham, recognises that Durham City needs a critical mass of employment, a growing population and more visitors to build on its strengths and become a city of greater regional, national and international significance.

2.2 For many years, the consensus view has been that Durham City has been punching below its weight. Unlike its nearest city neighbours along the East Coast Main Line (Newcastle and York) it has failed to attract significant private sector employers. More recently, Durham City's overreliance on public sector jobs (not least at the Passport Office, National Savings & Investments, Durham Police, Durham University, University Hospital Durham and New

College Durham) and its associated vulnerability has been exposed by public sector funding cuts and reorganisation.

2.3 Durham City is the main driver for economic growth for the wider county with 29% of County Durham GVA and employment generated in the city[1]. As home to the Cathedral, Castle and University, Durham is a city of key historical and cultural importance. In addition, strong national transport links (for example, the East Coast Mainline and A1(M), and visitor economy further demonstrate the vital importance of the city to the county.

2.4 The relocation of the Council's HQ into the heart of Durham City (in part on the Release Land) will provide a boost for existing businesses and may well attract new ones responding to a new market opportunity. In turn freeing up the Aykley Heads site to accommodate high quality jobs will provide a major boost to the economy of Durham City and County Durham as a whole.

3 BENEFITS OF NEW HQ

3.1 Being based in the City Centre may encourage County Council staff to shop more during lunchtimes and after work, as well as patronise sandwich shops, cafés, bars and restaurants and use cultural facilities to a greater extent.

3.2 To provide an evidence base, a survey was undertaken in May 2016 of Council staff by workplace location, seeking to understand where employees made purchases during the working day and how much they spent. The key findings of the survey were:

- £4,700 per week spent by staff in the City Centre or close to the office, during the working day;
- £3,000 per week spent by staff near work, at the end of the working day;
- £4,000 per week spent on other retail by County Hall staff near to the workplace during or immediately after work; and
- A total annual spend in the city centre of £528,000.

3.3 Although the new HQ will have almost half as many staff as the current County Hall building, it will create alternative working day and after-work opportunities for County Council staff. Employees are much more likely to use the city

[1] County Durham Employment Land Review 2018

centre for lunchtime purchases of food/drink and also after work entertainment; and for other retail activity. Therefore, despite a reduction in the number of staff located in the new HQ, the development of the new HQ in the city centre will result in an estimated 4% increase in spend in the city centre. Furthermore, the extra footfall in the city centre will create a more vibrant environment which will be attractive to visitors and other investors. It might well be the case that by relocating from Aykley Heads into Durham City that the County Council makes the city centre more attractive which in turn makes Aykley Heads a more investable proposition for private sector occupiers.

3.4 In addition, the staff who are relocated to other council offices from the HQ will increase spend in the associated town and village centres giving an overall benefit to the county's economy.

4. BENEFITS OF A NEW BUSINESS PARK AT AYKLEY HEADS

4.1 The proposed redevelopment of Aykley Heads is made possible by the Council vacating the site through the provision of a new HQ at the Sands. This willenable the delivery of high-quality office space in a unique landscaped setting situated at the gateway to Durham City, allowing Aykley Heads to become a key employment site for the city and region. The development will also enable the beneficial re-use of the site once Durham County Council relocates to its new headquarters. This will provide the opportunity to attract new businesses and investment to the city which will generate new employment opportunities in the area.

4.2 Aykley Heads offers a unique parkland setting which is not typical of other business parks. The trees act as a natural visual barrier, making the site feel less like a typical office park development. This also provides benefits to staff wellbeing and happiness. The Forestry Commission published a paper entitled 'Greenspace design for health and wellbeing' in 2012[2] which links health and wellbeing to the proximity of plants and greenery stating that outdoor spaces help reduce stress and encourage healthy behaviours, which can improve mental health and well-being to help recharge physical, mental

[2] Greenspace design for health and well-being by Forest Research, 2012.

and social capacities. Research published in a government white paper in 2011[3] also showed that when employees took part in wellness initiatives, absenteeism reduced by 20%. The site is, therefore, an attractive location for businesses to locate and for residents to work in terms of its benefits to human health and staff welfare.

4.3 It should also be noted that many competing office parks are located away from city centres, such as Morton Palms, Doxford Park and Rainton Bridge but Aykley Heads provides a different offering. There has been a shift in the type of office space occupiers wish to occupy, and development has begun to reflect this with the development of the Stephenson Quarter in Newcastle and the Vaux Brewery in Sunderland. There is a greater emphasis on staff wellbeing and happiness, as noted above, which partially comes from being located close to amenities in order to provide sustenance to office occupiers, but also to enable after work recreational activities as well as facilitating informal meetings away from the office environment.

4.4 The site is in an accessible location; in terms of road connections, there is direct access to the A1(M) via junction 61 or 62 providing access to Newcastle and beyond to the north and Darlington and beyond to the south. The Site is also within walking distance to Durham Train Station which is on the East Coast Mainline providing frequent direct rail links to Newcastle, Edinburgh and London. Durham Tees Valley Airport is 23 miles south of the City and Newcastle Airport is 25 miles north which offers connectivity to a range of national and international destinations. The site is also easily accessible from the city centre and by public transport making it easy for future occupiers to access the site. In addition, the scheme will involve improvements to pedestrian linkages through the site as well as lighting to ensure safe access.

Economic benefits

4.5 Economically, the Proposed Development is expected to create circa 4,000 high-quality private sector jobs. This will enable Durham to become an employment centre within the North East and help to unlock the private sector

[3] HM Government: No health without mental health, 2011

investment that brings cutting edge companies and high-quality jobs to the area.

4.6 The flexible office space developed will meet operator requirements and businesses of all sizes from a single tenant to multiple occupiers, including SMWs. This also presents opportunities to retain talented young people from local colleges and the university.

4.7 There is a demand for office space in Durham which is currently unsatisfied due to a lack of good quality office stock[4]. Furthermore, research by JLL[5] shows that market conditions mean that developers are often unwilling to speculatively develop any good quality office stock meaning that there is not a surplus of good quality stock to react to requirements as they enter the market. However, bringing forward the redevelopment of the Aykley Heads site will create additional, flexible office space which represents a positive economic interest in Durham and helps to demonstrate confidence in the economic market. This can help encourage further investment in the city and the wider region.

4.8 The redevelopment of the Aykley Heads site is considered to result in the following economic benefits:

Construction Phase

- The creation of approximately 57FTE direct temporary construction jobs across the estimated 20-year construction phase;
- The creation of approximately 87FTE indirect temporary jobs across the estimated 20-year construction phase; and
- The generation of circa £36m (£1.8m per annum) in wage value as a result of the 57FTE direct temporary jobs during the construction phase.

Operational Phase

- The creation of up to 4,318 FTE jobs once operational;

[4] County Durham Employment Land Review 2018
[5] Aykley Heads Update Market Report 2019

- The generation of circa £144.5m per annum in employee salaries from the 4,320FTE jobs created, some of which will be spent within the local economy; and
- The creation of new commercial floorspace with a rateable value of approximately £3.8m, which results in the generation of circa £1.9m in payable business rates per annum.

5 SOCIO-ECONOMIC IMPACTS OF REFUSAL OF APPLICATION

5.1 Should the Council's Section 16 application, subject of this Inquiry, be refused, then the Council may be unable to use the Release Land for the provision of Members' car parking and also to site the water storage tank necessary for the sprinkler system in the new HQ building.

5.2 The water storage tank would have to be re-sited outside of the Release Land but still on the HQ site, further to the North and closer to the river. Car parking for Members would have to be provided in the adjacent new multi storey car park.

5.3 There would be a signficant financial cost associated with resiting of the water storage tank as the new location would require ground investigations, tree felling and a Section 73 planning application before it could proceed. The estimated additional cost would be in the region of £60,000. There would also likely be very substantial financial compensation payable to the Council's contractor (Kier) as a result of any delays in the scheme occasioned by this work.

5.4 Making alternative provision for Members' car parking in the multi-storey car park would have both a financial and social cost. The multi storey car park is designed to accommodate 140 spaces for Council staff. 42 of these spaces would therefore have to be repurposed for Members, thereby reducing car parking spaces available for staff to 98. As Council staff would be charged for a parking place, this would result in a direct loss of revenue to the Council (minimum of £50 per space per month, although no final decision has yet been taken on pricing). Although the public would still be able to use all of

the 140 spaces (98 employee and 42 members) on evenings and weekends, there would be an overall reducation in spaces available for this purpose as the additional 42 spaces for this use which would otherwise have been provided on the Release Land will be lost. There would also be a social impact upon employees of the Council as there would be less spaces for them to use during office hours resulting in inconvenience to them. There would also be a negative impact in terms of connectivity/accessibility of the new HQ building which is likely to be felt greatest by disabled users who would otherwise have parked on the Release Land. Furthermore, market traders would be unable to use the multi-storey car park as their vehicles are too large to physically access it. Accordingly, they would be displaced in terms of parking on market days as they would have been able to use the Release Land for such purposes.

6. SUMMARY AND CONCLUSIONS

Benefits of the New HQ in Durham City

6.1 The relocation of the Council HQ to the Sands will bring significant financial benefits in terms of additional spend in the City Centre (estimated to be a 4% increase) and also in terms of vibrancy of the City Centre.

Benefits of redevelopment of Aykley Heads site

6.2 The redevelopment of the existing County Hall and wider Aykley Heads site will bring substantial benefits both economically (estimated creation of 4000 new jobs and £3.7m spend in the enconomy during both the construciton and operational phases. The improved working environment both in terms of high quality office space and unique setting would also have social benefits for employees and visitors.

Socio-economic impacts of refusal of application

6.3 The refusal of the Section 16 application would potentially necessitate the resiting of the water storage tank and alternative provision for members' car parking in the adjacent multi-storey car park. That would have very significant financial impacts in terms of increased costs for the Council as well as social impacts in terms of less parking available for the public outside of office hourse and a reduction in accessibility, particularly for disabled drivers.

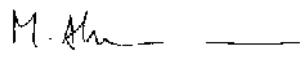
APPLICATION COM/232618 FOR DEREGISTRATION OF PART OF COMMON LAND AT THE SANDS, DURHAM

THE DEREGISTRATION AND EXCHANGE OF COMMON LAND AND GREENS (PROCEDURE) (ENGLAND) REGULATIONS 2007

SOCIO-ECONOMIC IMPACT PROOF OF EVIDENCE MIKE ALLUM ON BEHALF OF DURHAM COUNTY COUNCIL

4 February 2021

Signature:



Date: 04/02/2021

1 INTRODUCTION AND SCOPE OF EVIDENCE

2 SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Mike Allum and I am the Spatial Policy Manager at Durham County Council. I have been employed by the Council in this position since 2014.

1.2 The Spatial Policy Team which I manage is responsible for preparing the council's transport, economic, housing and planning policy as well as providing policy advice on planning applications and supporting the preparation of neighbourhood plans.

1.3 I hold the following qualifications: a Postgraduate Diploma in Urban and Regional Planning and I am also a member of the RTPI. I have worked as a Planner in local government since 1995.

1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.

1.4 My manager at the present time is Stuart Timmiss who is the Head of Development and Housing. However, Mr Timmiss is due to leave the employment of the Council in March 2021. I have therefore agreed to give the evidence that he would have given at the Inquiry had he not left the Council's employment.

1.5 I confirm that I have read the contents of Mr Timmiss' Proof of Evidence dated 27 November 2020. I now endorse and adopt its contents which covers the background to the new Council HQ move to the Sands, the socio-economic benefits of the new HQ, the socio-economic benefits of the redevelopment of the Aykley Heads site and the socio-economic impacts if this application before the Inspector is refused.

2. SUMMARY AND CONCLUSIONS

2.1 For the reasons set out in Mr Timmiss' Proof of Evidence I am of the view that the relocation of the Council HQ to the Sands will bring significant financial and other benefits to Durham City Centre. The development of the Aykley Heads site will bring very substantial economic and environmental benefits to Durham. The refusal of the application, subject of this Inquiry, would result in

substantial adverse economic impacts for the Council as well as adverse social impacts for visitors to the City Centre.

Durham County Council's answer to the question posed by Jean Crowden during the inquiry regarding the sequencing of the planning application and the Commons Act 2006 application

"The County Council was the applicant for planning permission for the new HQ development. It was also the decision-maker as local planning authority. It decided to apply for de-registration and exchange regarding the common land after planning permission was granted, because it did not want to give any impression that the outcome of the planning application was in any way pre-determined. It was not pre-determined.

The planning permission was granted on 1 April 2019. The common land application form is dated 20 August 2019. One reason for the delay between the two events was the judicial review claim filed by the City of Durham Parish Council on 16 May 2019. The County Council waited for the outcome of those proceedings before making its common land application."

29 April 2021