

30 November 2018

Our Ref: JL/PL.504
Your Ref:



Durham City Neighbourhood Planning Forum
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Dear Sirs,

**Durham City Neighbourhood Plan
Pre-Submission Consultation – Extended - Local Green Space Designation**

Introduction

We write to you on behalf of our client, the Dean and Chapter of Durham Cathedral (referred to as Durham Cathedral going forward), in response to the Pre-Submission Draft of the Durham City Neighbourhood Plan.

We understand that, since the pre-submission consultation of the Durham City Neighbourhood Plan ('NP'), you are potentially seeking a number of new locations to extend the current proposed boundaries of the Observatory Hill Local Green Spaces.

We understand that the basis for the proposed change relates to an isolated comment made by the landscape officer at Durham County Council (in its response to the Local Green Space designation at pre submission draft stage) which notes that: "*we would recommend that, if it is considered appropriate to identify this area as LGS, the area should be enlarged to take in the field falling from Elvet Hill / St Aidan's south of Potter's Bank, St Cuthbert's Cemetery, and the field north-west of St Mary's...*" (emphasised by us).

As such, whilst we appreciate that the formal consultation on the pre submission draft closed earlier this year, we have been speaking with Durham University and together we would like to take this opportunity to comment on a particular policy which is proposed within the draft Plan due to our combine landownership.

Local Green Spaces

The policy we would like to comment on is Policy G2 that relates to the designation of Local Green Spaces.

Whilst we do not contest that Local Green Spaces can provide environmental, landscape or historical value, it is considered that proposed Local Green Spaces should be identified with care and that such proposed designations should be made following detailed discussions with the appropriate landowners to ensure that the proposed designation does not adverse impact on the working of the land.

Durham Cathedral owns land within Durham City and their land ownership includes land north of Potters Bank (referred to as Observatory Hill in the Durham City Neighbourhood Draft Plan for Public Consultation). It is this proposed Local Green Space that we are focusing our comments on and we understand that our neighbouring landowner, Durham University, are also specifically commenting on this site. As such, whilst our comments are independent, we would recommend that, as adjacent landowners, our comments are considered in tandem.

Through work, and in partnership with others, Durham Cathedral has a strategic goal to promote excellence in the North East whilst continuing to enhance the Cathedral's economic contribution regionally and nationally

through taking initiatives to increase visitor numbers and dwell-time in North East England. As such, our client would like to work closely and in partnership with the Neighbourhood Forum to support and help deliver sustainable development in Durham whilst protecting the environment. However, protecting and enhancing green infrastructure across the Neighbourhood Plan Area must not be confused with onerously identifying land as specifically designated landscapes (e.g. Local Green Spaces) when it is not appropriate.

Whilst we do not object to preserving and enhancing the existing natural green spaces and networks in the City as green infrastructure is an important element of place making, we do strongly object to the proposed allocation of Observatory Hill being allocated as a Local Green Space in the Durham City Neighbourhood Plan.

Reasons for Objection

The reasons for our objection are set out below.

As set out in our introduction, it is our understanding that the proposed allocation (including the suggested extension of including the field at the bottom of Potters Bank North West of St Mary's College and the field down from Elvet Hill / St Aidan's College, South of Potters Bank), has only occurred following comments from Durham County Council.

Firstly, whilst we acknowledge that Observatory Hill is an open area of land within the City, which adds to the Green Infrastructure of the local area, we would strongly object to this site being proposed as a Local Green Space as part of the Neighbourhood Plan. Such an allocation would be afforded special protection against development for green areas of particular importance to local communities; Policy G2.2 states that development in Local Green Spaces must be consistent with NPPF policy for Green Belts.

It is important to note that the land is already located within the City Conservation Area and is proposed to remain so in the emerging Local Plan and therefore the significance, character, appearance and setting of the conservation area will be preserved.

The National Planning Practice Guidance advises that where land is already protected by a designation, such as Green Belt, Conservation Area, etc., consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space. The NP itself identifies the Observatory Hill site as being within both the inner bowl of the World Heritage Site (WHS) and the City Conservation Area. Its elevated site makes it very visible from the centre, and it contributes to the green and rural landscape setting for the World Heritage site and the City centre and that it was included in the City of Durham Local Plan saved policy E5 on protecting open spaces within Durham City (City of Durham Council, 2004; Durham County Council, 2015a).

The land is therefore already afforded a suitable and appropriate level of protection by virtue of its setting within the WHS and Conservation Area. The proposed extra level of designation is considered to be overly onerous considering the current policy position and existing use of the land. When read in the context of the policy position and the NP's stated purpose of designating Local Green Spaces it is considered that this additional allocation would provide no additional local community benefit but only lead to confusion and adverse impact on the working of the land.

This leads us on to our second area of concern relating to the proposed allocation in that the majority of the land owned by both the Durham Cathedral and Durham University is in working use. The land within the ownership of Durham Cathedral is currently subject to a farming tenancy and is therefore subject to farming practices. The site therefore accommodates livestock at times and also is subject to farm vehicle movement. The proposed Local Green Space allocation, as part of the Neighbourhood Plan, could lead to further unauthorised access across these private fields.

Whilst it is acknowledged that there are some existing Public Rights of Way throughout the site, which we do not object to, this does not mean that the public stay on such land when walking their dogs etc.

Trespass is a Health and Safety risk to the public and unauthorised access, which may increase due to the proposed Local Green Space designation, could be a potential Public Liability issue for both the tenant of the land and our client as the landowner. In making the proposals has the Neighbourhood Forum considered any sort of Risk Assessment for such allocations?

The introduction of this designation could effectively result in people believing that they have free access on the land which is subject to the aforementioned farming operations. This would not be practical or safe in respect of the running of the Estate. Consequently, there would likely be a requirement to fence off the fields, which is neither practicable nor appealing, especially in respect on the impact such fencing would have on the visual landscape area and the running of the Estate.

Thirdly, when considering the site in greater detail, it is considered that the neighbouring land uses to this site have not been considered in detail by the Neighbourhood Forum.

As set out above, Local Green Spaces would be afforded special protection against development for green areas of particular importance to local communities. However, it is considered that future expansion associated with the existing neighbouring land uses have not been considered. For example, Durham School, an independent co-educational day and boarding school (for children aged 3-18 years old) is located to the north of the proposed designation. As the neighbouring land user, it is vital that there is future development potential to expand the school if there is ever a need. A Local Green Space designation would hinder such important expansions. Similarly, to the east of the site (east of Footpath 24), is the existing Chorister School Playing Field, which again needs consideration with regard to its future use / expansion.

It is therefore respectfully proposed that the Local Green Space designation at Observatory Hill is deleted to provide the flexibility need for the site (both existing and potential future uses).

Alternative Options

Whilst our preference is to see the land unallocated for further designations in the Neighbourhood Plan, we would be willing to liaise with the Neighbourhood Forum to see if a more appropriate designation / boundary could be drawn up.

What is considered a more appropriate proposal for this land is to identify it as an Area of High Landscape Value. We note that this has also been suggested by Durham County Council's principal Landscape Officer. Durham County Council has confirmed that it is not advocating that identifying Local Green Spaces as being the best approach to green spaces.

If the land was to be allocated as an Area of High Landscape Value, for instance, we would recommend a revised boundary should be set for such a designation.

If a revised boundary is considered, it is proposed that it should follow the existing Public Right of Way that runs west to east to create the northern boundary of the proposed designation (Footpath 23) and that the eastern boundary should be defined by existing Footpath 24. Please see an extract below (Figure 1) from the Durham County Council Definitive Public Rights of Way map online. With regard to the southern boundary, this could follow Potters Bank.



Figure 1 Extract from <https://durham.gov.uk/definitivemap>

These revised boundaries would allow for potential future expansions to the school if ever needed and ensure that some of the tenanted fields are excluded to allow continued use for farming without adverse impact.

Conclusion

In conclusion, we respectfully request that the proposed new Local Green Space at Observatory Hill is removed from the Neighbourhood Plan on the grounds that such an allocation will:

- Have an unacceptably adverse impact on farming practices on this part of the Estate;
- Have significant Public Liability and Health and Safety Risks;
- Have an unacceptably adverse impact on potential expansion of neighbouring land uses, such as Durham School;
- Lead to unacceptably adverse landscape impacts if fencing is required to protect the Estate's land from unauthorised trespassing; and,
- It is considered unnecessary due to the existing designations such as the site being located within the Conservation Area (it is already afforded appropriate protection).

Finally, it is vital that in the production of policy documents, such as a Neighbourhood Plan, which creates a way of helping local communities to influence the planning of the area in which they live and work, are created following high levels of communication between all parties (particular the landowner). We would therefore support greater dialogue between the Durham City Neighbourhood Planning Forum and Durham Cathedral.

Following discussions with Durham University, they have advised us that they have the opportunity to comment on the Local Green Space at Observatory Hill until 30th November as part of an informal consultation following the changes to the proposed allocation. We therefore welcome the opportunity to submit our comments on the Durham City Neighbourhood Plan (albeit note that this is not a formal consultation period), and we would like to inform you that we shall be commenting on the Neighbourhood Plan as part of the next round of formal consultation (along with reviewing the amended Sustainability Appraisal which is currently being prepared by AECOM) which is anticipated to take place later this year.

We would welcome acknowledgement of receipt of this letter and would be more than happy to discuss this matter further with you if deemed necessary.

In the meantime, we would appreciate it if the above comments are taking into consideration prior to the commencement of the formal consultation which we understand will be taking place in the new year?

If you have any queries regarding the above, please do not hesitate to contact me. In the meantime, we respectfully request that the above comments are taken fully into consideration as the Neighbourhood Plan progresses to its next stage.

Yours sincerely

A handwritten signature in cursive script, appearing to read "J. Longstaff".

Jennifer Longstaff • BA (Hons) MSc MRTPI
Associate Director