

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

THEME 2b

A Beautiful and Historic City: (2b) Green Infrastructure

7 September 2019

The comments have unique codes as follows:

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

However, no personal details have been provided.

The letters making comments are coded as follows:

- L2 = City of Durham Trust
- L3 = Durham Cathedral
 - L3a = Durham Cathedral Letter dated 05/07/2019
 - L3b = Durham Cathedral Letter dated 30/11/2018
- L5 = Durham County Council
 - L5b = Durham County Council Appendix
- L6 = Durham University
 - L6a = Durham University Response
 - L6b = Durham University Letter dated 30/11/2018
- L8 = Historic England
 - L8a = Historic England, Letter on Plan
- L9 = Kier Property Ltd
- L10 = Nevilles Cross Community Association
- L11 = Northumbrian Water
- L13 = Resident 2
- L14 = Resident 3
- L16 = St Nicholas Community Forum
- L17 = Southlands Management Ltd
- L18 = WHS Coordinator

The codes for categorising the comments are as follows:

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

THEME 2b

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	CATEGORISATION	PLANNING ISSUE OR ACTION IDENTIFIED
COMMENTS RELEVANT TO THEME 2b		
SEQ6: Two of my agreements are only partial: G2 because I think there are other local green spaces that might be incorporated into a future version of the plan, {Resident DH1}	c2. Policy G2	Partial support noted
SEQ6 /cont (i) and T2 {also added to Theme 5}, because I would welcome more safeguards against the erosion of small but valuable green areas or patches by parking bays (planning applications for such bays seem to go through on the nod at the moment). However, this may be more of a problem for places beyond the central area of the City. {Resident DH1}	c2. Re small green areas	Policy G1 provides protection for green assets. Comment noted
SQ9 {Parts copied to Themes 2a, 2b,3} Protect ... and all wildlife. {Visitor DH9}	c2 re wildlife	Comment noted
SQ10 Parts copied to Theme 1, 2b,3,4,Comments} Policy G3: and better signage so people use it more. {Resident DH1}	c4. Re Policy G3	Initiative 6 'emerald network' in 'Looking Forwards' includes signage Comment noted

<p>SQ23 {Parts copied to Themes 2a,2b,3,4,5} 2a Policy H1: This has not proved successful up to now. It would appear no thought on the part of the planners has been given to the W.H.S. landscape setting. {Resident DH1}</p>	c2. Re WHS	<p>Policies G1 and G4 protect the landscape setting of the WHS</p> <p>Comment noted</p>
<p>L18 WHS Coordinator {parts copied to Themes 1,2a,2b,3,4,5, Comments} Theme 2b: A Beautiful and Historic City – Green Infrastructure Policy G1: Protecting and Enhancing Green Infrastructure <i>Protecting green corridors (defined in para. 4.65 and 4.66, and Table 1)</i> <i>Protecting biodiversity, habitats, protected species and geological features</i> <i>Protecting trees and hedgerows</i> <i>Protecting and enhancing the banks of the River Wear</i> <i>Protecting dark corridors</i> The City's green infrastructure is of high significance in retaining the scale and defining the original historic core . The banks of the Wear lead out from the central Peninsula area. These are key elements of the green areas of the WHS inner setting and of great importance to its OUV. The importance of the Peninsula Riverbanks as a natural area is capable of further understanding and increased significance for visitors. This links with the appreciation of the wider green infrastructure and its natural attributes and the provision of quantifiable ecological services. The appreciation of green space for its wellbeing benefits is capable of being increased for by residents, students and visitors and the Peninsula/Riverbanks spaces have a role to play. Erosion of the quality of greenspace and its relationship to the historic city core has been a factor in the negative impact of some river corridor and fringe developments and proposals in recent years. The role of the River Wear as a 'dark corridor' is key to the night setting of the WHS and its relative insulation against the surrounding town. This important in maintaining its OUV.</p>	c2. Support for Policy G1	Support noted
<p>L18 /cont (i)</p>	c2. Support for Policy G2.1 The	Support noted

<p>Policy G2: Designation of Local Green Spaces Including the River Wear corridor around the Peninsula as a local green space is valuable support to the expanded area of the WHS designation. The range of sites also designated as local green spaces mostly includes important elements of the WHS inner setting. Harm or loss to their importance relative to local people is also likely to be loss or harm for the quality of the inner setting and thus to the WHS.</p>	riverbanks local green space	
<p>L18 /cont (ii) Policy G3: Creation of the Emerald Network The inclusion of the areas beside the River Wear help to reinforce its recognition and significance as an important corridor through Durham and beyond. This corridor is significant for the number of heritage and natural designations associated with it. It forms historic routes relating to Norman land utilisation and settlement through County Durham and use related to the Cathedral and its monastery. Protecting the Network's connectivity is useful in helping to maintaining the historic connections between these sites.</p>	c2. Support for Policy G3 - the riverside areas.	Support noted
<p>L18 /cont (iii) Policy G4: Enhancing the Beneficial Use of the Green Belt The 2107 WHS Management Plan identified the key role of the 'green' areas within the inner setting. This general support for the Green Belt, Infrastructure and the Emerald Network will all have role in helping conserve, protect and encourage positive use of these key areas. The Sidegate and Frankland Lane areas are very significant in a key view of the WHS, the historic route out to Finchale and this sector of the WHS inner setting.</p>	c2. Support for Policy G4, particular the Green belt in Sidegate and Frankland Lane	Support noted
<p>SEM1 {parts copied to Themes 2b,3,4} I would defend the protection of public amenity open space (eg Mount Oswald Golf Course)</p>	c2. Protection of amenity open space.	Policy G1 provides for this Comment noted
<p>SEM1 /cont (i) {parts copied to Themes 2b,3,4} but would seek liberalisation of building in the green belt - green belt policy seems to have been written by home owners to prevent others getting on the property ladder. For Durham to thrive</p>	c2. Build on the Green Belt c1.b. Taking land out of the Green Belt is down to the County Council and the Planning Inspectorate though	The NPPF protects the Green Belt and this has been adhered to in the Neighbourhood Plan. Note NPPF para 134 re purpose of the Green Belt: "a) to check the unrestricted sprawl of

<p>we need more industry and more housing to do so we need to build up or out</p>	<p>the Local Plan process</p>	<p>large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</p> <p>Comment noted</p>
<p>SEM3 {Parts copied to Themes 1,2a,2b,3,6,Comments) 3. I note your proposals to safeguard the heritage and green areas within the city, however, there is a real need for public realm improvement, particularly around the Passport Office/Freeman's Reach areas. Does the Parish intend to use any of its powers to address these eyesores? The mess left following the construction of the Passport Office has not been hidden by the silver heron.</p>	<p>c4. Improving the public realm</p>	<p>Initiatives in 'Looking Forwards' address this</p> <p>Comment noted</p>
<p>SWC6 Policy G1 Essential to start classifying our 'green assets' as carbon storage - critical that we do not lose any more (see the Natural Carbon storage map here (scroll down): https://community.rspb.org.uk/ourwork/b/martinharper/posts/our-best-places-for-nature-are-also-important-carbon-stores-we-need-to-look-after-them?utm_source=campaigns_update_jun19&utm_medium=email&utm_content=b3_text</p>	<p>c5 re carbon storage</p>	<p>Amend text to note 'green assets' as carbon storage / environmentally beneficial, e.g. in para. 4.68</p> <p>General Point. The PPG references need checking across the whole Plan document</p>
<p>SEM12 {parts copied to Themes 2b,5}</p>	<p>c2. Support for Policy G2 the Observatory hill local green space</p>	<p>Support noted</p>

Secondly, I fully support all efforts in G2 to retain Observatory Hill and the the field around Observatory House/the Observatory as protected green spaces. If you were able to count the number of people who use both areas for dog-walking/access/pleasure daily, you would see how important they are to local residents. When the field was ploughed a few years ago it was fascinating to see how many people walked back and forward across it, even though it was muddy, in order to re-create the original 'lines of desire' paths.		
SEM12 /cont (i) I also support the protection of the Battle of Neville's Cross sites.	c2. Support for Policy G2 the Nevilles Cross Battlefield local green space	Support noted
SEM16 {parts copied to Themes 1,2b,3,4,5, Comments} The Climate Crisis and the Neighbourhood Plan Recent and growing concern about the climate crisis and the need for rapid transition to a low carbon economy suggests that neighbourhood plans will increasingly be judged by their effectiveness in these matters. Our Plan has been successful in doing this, but could benefit from more direct evidence that it is formative part of the development of the Plan. Here are some suggestions for changes in presentation to bring these concerns into a clearer focus. ... Theme 2b: A Beautiful and Historic City – Green Infrastructure Possibly a mention in the vision or the objectives of meeting the challenge of climate change?	c5. Coverage of the climate crisis	Amend accompanying text but not vision or objectives
L16 We welcome much of what is in the Draft Neighbourhood Plan, for example the protection ... green spaces	c2. Support for protecting green spaces	Support noted
L11 Northumbrian water {parts copied to Themes 1,2b,3,4,Comments}We note that the plan specifically identifies “blue infrastructure” as	c2. Support for inclusion of blue infrastructure	Support noted

<p>part of the Green Infrastructure section. We support this important reference, as blue infrastructure consisting of rivers, ponds, streams and other watercourses, is in our opinion equally important in helping to create a high quality environment for healthy living and well-being.</p>		
<p>L2 {parts copied to Themes 1,2b,4,5,6, Comments} The City of Durham TrustThe Trust particularly welcomes several elements of the Plan. Its Policies G1-G4 relating to “Local Green Spaces” and an “Emerald Network” must help protect the distinctly green character of much of Durham, along with those for the beneficial use of the Green Belt, whilst protecting its openness.</p>	<p>c2. Support for Theme 2b policies</p>	<p>Support noted`</p>
<p>L9 {parts copied to Themes 1,2a,2b} These representations have been prepared on behalf of our Client, Kier Property Ltd, in response to the Durham City Neighbourhood Draft Plan (“DCNDP”) Consultation. ... G3 –Creation of the Emerald Network It is noted that Draft Policy and G3 seeks to create “Emerald Networks” within the city and conserve and enhance biodiversity as required, however, it is noted that the final paragraph of the Policy states: <i>“Development proposals that would result in a deterioration in the wildlife value of a site in the Emerald Network, or that would damage the connectivity of sites in the Emerald Network, will be refused, unless there are substantial public benefits that outweigh the loss or harm. If this loss or harm cannot be avoided, then appropriate mitigation measures must be included in the proposal”.</i> The Draft Policy as presented seeks protection of both biodiversity and green infrastructure at a level beyond that which is prescribed within the NPPF. Furthermore, the creation of an “Emerald Network” combines the definition of biodiversity and connective green infrastructure, whereas the two often serve different functions. Indeed, wildlife sites and biodiversity are often protected through reducing the impacts of human activity, hence the requirement for the tests at</p>	<p>c3. Amend Policy G3 to be compliant with NPPF</p>	<p>Amend Policy G3.</p>

<p>paragraph 175 of the NPPF. Where connectivity of green infrastructure is harmed, consideration is required as to the amount of harm and whether the overall function of the green infrastructure is lost or damaged to a degree which suggests that a planning application should be refused.</p> <p>...Indeed, paragraph 175 states that development should only be refused if “significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort compensated for” [Savills emphasis]. It is clear that the trigger for refusal is significant harm to biodiversity and this should be reflected in the wording of Draft Policy G3. Furthermore, the requirement for substantial public benefits stated in G3 is not a requirement of national policy and should be removed, rather the emphasis (where harm cannot be avoided) should be upon mitigation and compensation which in turn forms part of the wider planning balance for the decision maker. With regard to connective Green Infrastructure, the Policy should also emphasise that there is a need to understand the degree of harm to the function of the Emerald Network and whether this can be mitigated, rather than leading on the premise that development proposals will be refused.</p>		
<p>L17 {parts copied to Theme1,2a,2b,3,4,Comments} We respond on behalf of our client Southlands Management Ltd who are property owners in the City. ...</p> <p>Theme 2b We recognise that the supporting text to Policy G4 has been amended in response to earlier comments made by our client and this is welcomed.</p>	c2. Noting prior amendment of Plan	Comment noted
<p>L10 Nevilles Cross Community Association {parts copied to Themes 2b,4,5,Comments} RECOMMENDED (i)That Clay Lane and adjacent tree cover be included in Policy G3 –</p>	c3. Policy G3. Add Clay Lane to Emerald Network	Clay Lane is already marked on Proposals Map3 Policy text and accompanying text will be amended to ensure the protection

<p>proposed emerald network; CHANGES TO THE PLAN The NXCA propose changes to the Plan as follows: <i>That in relation to (i)</i>, under Policy G3 the Emerald Network be extended to cover and adjacent tree-cover as one of the green corridors linking the river banks with country outside Durham It is also an attractive green area of biodiversity, providing a significant habitat for wildlife that includes badgers, foxes, bats and the occasional weasel;</p>		<p>and clarity re footpaths in the Emerald Network</p> <p>Policy G1 protects and enhances Green Infrastructure with a section on 'Protecting trees and hedgerows'</p> <p>Comment noted</p>
<p>L10 /cont (i) RECOMMENDED (iii)That, following discussion on the Observatory Hill area and the possibility of Durham School wanting to build a replacement for Bow School in existing green space, the NXCA propose that the open green space area be extended; CHANGES TO THE PLAN The NXCA propose changes to the Plan as follows: <i>That in relation to (iii)</i>, all land up to and including Clay Lane and that such land, if possible, be included under Policy G2. While supporting the Neighbourhood Plan's extension of Local Green Spaces in G2.2 (and noting, including the positive proposals from the County Council to include Bow cemetery and adjacent land on that side of Potters Bank), the NXCA is concerned about future developments and the excessive defence of current arrangements made by the University and the Dean and Chapter. Issues such as the University ownership of the Observatory, the leasing and ploughing of land by Houghall College over permissive rights of way and the potential move of Bow School after 2027 to within the Durham School area as a consequence of the University exercising its notional intention to develop the site in its post-2027 Estates Masterplan may jeopardise this significant green wedge. It would also safeguard a significant area of the rim of the WHS under Policy H1(h). Inclusion of the land under G3 and or G2 will protect the area for the foreseeable future (see attached map);</p>	<p>c2. Support for inclusion of fields and cemetery on the south side of Potters Bank in the Observatory Hill local green space</p> <p>c3. Policy G2: Extend Observatory Hill local green space to include Clay Lane and playing fields and other land in Bow School.</p>	<p>Support noted</p> <p>PPG 'Open space, sports and recreation facilities, public rights of way and local green space' para 007 notes: "In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making." Extending the Observatory Hill Local Green Space to protect against future building proposals by Bow School would be against the NPPF.</p> <p>Local green space policies should be consistent with treatment of the Green Belt. Therefore, some types of development in a Local Green space area would be allowable, see NPPF Green Belt allowable development paras 145 to 146. E.g. "the extension</p>

		<p>or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; ... the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. ...local transport infrastructure which can demonstrate a requirement for a Green Belt [Local Green Space] location." For other types of development very special circumstances would need to be demonstrated NPPF paras 143 to 144.</p> <p>The Observatory Hill local green space has already been extended by the addition of the 2 fields on the other side of Potters Bank and local green spaces should not be extensive tracts of land (NPPF para 100) and additionally extending by an area approx. a third to a half further by this proposal is likely to fall foul of this criteria.</p> <p>Note: No map was attached. However, Respondent 14 attached maps relating to this issue and they are available to view in his response on the Webpage and give the boundary of the proposed extension.</p> <p>The boundary of the existing Observatory Hill Local Green Space has been evidenced by: (a) being that</p>
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	<p>c4. Footpaths</p>	<p>given in the City of Durham Local Plan saved policy E5, (b) being almost identical to that given in the DCC's AHLV for this locality (see DCC proposals maps for the Local Plan)</p> <p>Issue re Observatory Hill for decision by Parish Council. The extension has been assessed by AECOM in their updating of the Sustainability Appraisal. A meeting between Parish Councillors and Durham Schol has taken place, and they have been told of the opportunities for them to put forward their view on this matter. See also responses L3a,b and L6a,b</p> <p>The Working Party recommends including this extension, with the note: "If the whole of this area is considered to be too large to designate as a Local Green Space, then the City of Durham Parish Council would seek a Local Green Space comprising Areas A and B; in any case Area A should be a Local Green Space."</p> <p>Policy G1 protects green infrastructure and Policy H1 protects the setting of the World Heritage Site.</p> <p>Footpaths are covered in Initiative 7: 'Identifying, Conserving and Improving Footpaths In and Around Durham City' in 'Looking Forwards' Comment noted</p>
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		Action by NXCA to request designation of the Observatory Hill permissive footpaths as PROW would be beneficial
<p>L14 Resident 3 {parts copied to Themes 2b,5} Policy G3 Proposed emerald network (maps attached) This is to emphasize the importance of Clay Lane (Public Footpath No. 15) and adjacent tree-cover being included as a green area in the proposed emerald network, together with the adjacent area between Potters Bank and Quarryheads Lane and also the triangular area adjacent to the footpath and to Potters Bank. This main part of Clay Lane has been an important pedestrian route into Durham since the medieval period and continues to serve as a major pedestrian artery into the city centre. It is also an attractive green area of biodiversity, providing a significant habitat for wildlife that includes badgers, foxes, bats and the occasional weasel. It forms one of the green corridors linking the river banks with country outside Durham. Because of this, any additional lighting should be strongly discouraged. Most local people walking along the lane on dark evenings seem to find no need for torches, though many students rely on mobile phone lights or small torches.</p>	<p>c3. Policy G3. Add Clay Lane to Emerald Network</p> <p>c4. Re footpaths</p>	<p>Clay Lane is already marked on Proposals Map3 Policy text and accompanying text will be amended to ensure the protection and clarity re footpaths in the Emerald Network Policy G1 covers protection and enhancement of Green Infrastructure, with a section on 'Protecting footpaths'. Policy G1 also protects dark corridors.</p> <p>Footpaths are covered in Initiative 7: 'Identifying, Conserving and Improving Footpaths In and Around Durham City' in 'Looking Forwards' Comment noted</p> <p>The additional areas requested to be added to the Emerald Network do not meet the criteria for inclusion see para 4.99 No action</p> <p>Maps were attached to this comment that did not match the text but gave a title for a proposed boundary for an extension to the Observatory Hill Local Green Space in Policy G2. These maps have therefore been referred to under L10 which is proposing such an extension. See L10</p>

<p>L13 Resident 2 1. Theme 2b, Designation of Local Green Spaces 1. Policy G2: Designation of Local Green Spaces, and Policy G3 Creation of the “Emerald Network” Regarding the “green corridor” that is Clay Lane together with adjacent woodland and hedgerows, combined with the adjacent small sports fields and adjoining areas of “green field”, (attached map, marked proposed extension to G3.1 Observatory Hill), I support the submissions made by: [L14] - June 2019 together with that agreed by ii) Neville's Cross Community Association [L10] (as per meeting 25.06.2019). The area together with the area identified as G3.1, (page 66 Map 3: Emerald Network), jointly being referred to below as “The Belasis” *. Also, indicated by Ordnance Survey as Bellasis, being approximately contained by:- NZ : 26534 41674 : 26793 41799 : 26793 41956, 26771 41841 : 26982 41672 : 27067 41707, 27128 41607 : 26990 41396: 26683 41381. Local and National historical significance: The Belasis” * is a very old division of land: (also see below ** Early origins of the Belasis family) On page 69 of the book 'The Battle of Neville's Cross' ed D Rollason and M Prestwich (pub Shaun Tyas, Stamford, 1998) there is a map of all the land divisions around Durham at the time of the battle in 1346 and their relation to the Beaurepaire manor house and Beaurepaire Moor (which we now know as the site of the battle). From this map, the boundaries of Belasis appear to be:-</p>	<p>c3. Policy G2, extension to Observatory Hill local green space and Policy G3 addition to Emerald network</p>	<p>See responses above to L10 and L14</p>
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<p>Potters Bank starting around the junction with the modern Chevallier Court, eastwards downhill to the roundabout, then northwards possibly along Quarryheads Lane past the school to the junction with Clay Lane, then up Clay Lane returning south-eastwards to Potters Bank.</p> <p>Again, looking at the map in the Neville's Cross book, Belasis was to the south east of the area known as Howlcroft and north-west of the area known as Charley.</p> <p>See : National Libraries for Scotland website at https://maps.nls.uk/ ** "Belasis" Early Origins of the Belasis family (credit Wikipedia) one of the many new names that came to England following the Norman Conquest .</p> <p>The Belasis family lived in Durham, where they were established by the early Middle Ages.</p> <p>The surname Belasis was first found in Durham where they held a family seat.</p> <p>Belasius, a Norman Lord, attended William Duke of Normandy at Hastings in 1066 when King Harold was defeated.</p> <p>Belasius became General of William's forces against the remnant of the Saxon Army commanded by the Princes Edwin and Morcar in the famous siege of the Isle of Ely.</p> <p>Morton-Grange in Durham was home to a branch of the family. "This place formerly belonged to the family of Belasyse, to whom Cardinal Wolsey, in 1525, granted a lease of the manor and grange, and of whom was Sir William Belasyse, Knt., of Morton, High Sheriff of the county under the see of Durham from 1628 until his death in 1641." [1]</p> <p>Map attached</p>		
<p>L13 /cont (i)</p>		

As above		
<p>L3a Durham Cathedral {parts copied to Themes 2b,5,Comments} Thank you for consulting with us, for taking the time to meet myself and representatives from Durham University on site, and for graciously extending the consultation period.</p> <p>As discussed on site, we would like to take this opportunity to register our objections to the proposed allocation of Observatory Hill Local Green Space. Please note our comments in this letter, which are in addition to the arguments set out in the attached letter from Savills. The latter was submitted on our behalf in response to the Pre-Submission Draft of the Durham City Neighbourhood Plan (NP) last year, but I understand that it was not yet officially admitted to consultation. Please do admit it now - the letter sets out comments on Policy G2 of the proposed plan.</p>	c2. Savills letter on behalf of the Cathedral	<p>The Savills letter was unfortunately not submitted by the Cathedral to the 2017 consultation which ended in December 2017. The Cathedral's response to that consultation did not include coverage of the Observatory Hill local green space: it merely noted the poor state of pavements on The Peninsula. The Savills letter dated 30/11/18 was received in response to the Neighbourhood Plan Working Party contacting the Cathedral as owners of land in the Observatory Hill local green space to discuss the issue prior to amending Policy G2. The Working Party suggested to the Cathedral to submit the Savills letter to the 2019 consultation, and has accepted it.</p> <p>Comment noted</p>
<p>L3a /cont (i) You kindly shared AECOM's amended Sustainability Appraisal with us in advance of the site Visit. It didn't contribute much to the matter, though, as the report looked only at options for the boundary of the proposed Local Green Space (LGS), not the principle of the matter. Its findings are therefore not applicable to the objection at hand.</p>	c2. SA not applicable	<p>The SA assessed the different options for the Observatory Hill local green space under the same set of eight SA objectives as every other policy in the Neighbourhood Plan, so this assessment was wider than just looking at the boundary, and covered social, environmental and economic aspects. In particular, under those eight SA objectives, it assessed the merits or otherwise of including the Cathedral's land in the proposed LGS and concluded that it should be included.</p>

		Comment noted
<p>L3a /cont (ii) Savills' letter demonstrates the risk to the workings of the land and hindrance to future development of sporting facilities to the adjacent Durham School and Chorister School arising from the proposed additional designation. I would like to add that the proposed LGS boundary as shown in AECOM's report does in fact include one of the Chorister School's Playing Fields, which is private land not generally accessible to the public. The Playing Fields and adjacent extension area (towards the entrance to Durham School) are operational assets of Durham Cathedral and we would ask for both to be removed from consideration for additional designation.</p>	c3. Removal of the Chorister's Playing Field	<p>PPG 'Open space, sports and recreation facilities, public rights of way and local green space' notes: para. 013 "Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis." para. 017 "However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected." para. 020 "Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners." Thus there is nothing in the designation of the Cathedral's playing field within the Observatory Hill local green space that would prevent the</p>

		<p>Cathedral from using the land operationally as they currently do so.</p> <p>Local green space policies should be consistent with treatment of the Green Belt. Therefore, additionally, improvement to the playing field's facilities e.g. by addition of changing facilities, would also appear allowable, e.g. NPPF re Green Belt allowable development para 145(b) "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport"</p> <p>No action on removal</p> <p>Amend the supporting text to Policy G2 to make clear that existing operational use and non-public access can continue and that certain types of development are acceptable under Green Belt criteria.</p>
<p>L3a /cont (iii) We discussed parking during the site meeting earlier this week. We all readily agreed that parking in Central Durham is very difficult, and it was with dismay that I learned that this topic does not appear to be given any consideration within the NP. In the context of the increased use of the Market Place for public events, and the impact that vehicular access through Market Place and Saddlers Street generally has, we believe that a suitable analysis and allocation of future parking and access provisions to the World Heritage Site must be undertaken. The</p>	<p>c2. Re parking</p>	<p>Note comment above that existing operational use could continue. Therefore use of a small area at the entrance to the playing field for parking could continue.</p> <p>NPPF re Green Belt allowable development para. 146(c) "local transport infrastructure which can</p>

<p>only sustainable alternative access to the Peninsula, avoiding the already congested Leazes Roundabout/Durham City Centre, is from Potters Bank/Quarryheads Lane across Prebends Bridge. Any additional planning restrictions to land in that area would seem short-sighted until a sustainable parking and access policy has been agreed.</p> <p>...As it is, the parking areas of the Playing Field are used for staff parking connected with the School's operations (the daily 'Walking Bus' leaves from/arrives at Prebends Gatehouse on Quarryheads Lane) as well as general staff parking during the rising numbers of road closures to the Peninsula. We consider this approach by the Cathedral to reduce vehicular traffic across Market Place to be of benefit to the community, and cannot see any advantage in the NP's intention to stop further improvements.</p> <p>{See also coverage in Theme 5}</p>		<p>demonstrate a <u>requirement</u> for a Green Belt location" (our emphasis).</p> <p>Therefore development of the playing field into a car park would be considered under this "rule". Two important considerations would be the demonstration of 'requirement' and the maintenance of the 'openness' of the space. Additionally, in respect of the characteristics that make this part of the Local Green Space special to local people, maintenance / improvement of the existing tree / hedgerow cover round the boundary of the site would be necessary to provide masking, to mitigate what would be a significant harm by urbanising what is currently a continuous rural or green space, from the Cathedral itself, across Prebends Bridge and up to the top of Observatory Hill. There would also be a number of obstacles, including impact on the Duke of Wellington junction, reduction in number of playing fields (e.g. OSNA 2018 shows "existing quantitative shortfall in the provision of open space across all types of open space" in the Durham City area), etc.</p>
<p>L3a /cont (iv) We would further like to register our objections to the proposed allocation of the Riverbanks Local Green Space, marked (3.2.1 on your drawings. We note the increased area between 2017 and the current consultation. Similar to the comments set out in regards to the</p>	<p>C3 Remove the Riverbanks Local Green Space or amend its boundary to the extension of the WHS.</p>	<p>In para. 4.97 of the Neighbourhood Plan the rationale for additional designation is given.</p> <p>Note the WHS Co-ordinator's support</p>

<p>proposed Observatory Hill LGS, the area in question is already afforded a suitable and appropriate level of protection by Virtue of being within a Conservation Area, a UNESCO World Heritage Site (WHS) as well as the curtilage of several listed buildings (Cathedral, Mills, Counts House) and Scheduled Ancient Monuments (Watergate, Prebends Bridge). The additional allocation would provide no additional benefit to the local community. Regarding the proposed extended boundary line - you are no doubt aware of the proposed extension of the Durham WHS, which would include all the areas of the proposed extended LGS with the exception of Pimlico and residential gardens along South Street. The boundaries of the proposed WHS extension were not only meticulously researched, reflect the history and significance as well as actual physical boundaries of the riverbanks, but they were also agreed with the respective major landowners. We don't think a LGS designation is sensible in the first place; but if it was, we would respectfully propose for it to closely mirror the proposed WHS boundary.</p>		<p>for the Riverside local green space [L18]</p> <p>No action on removal</p> <p>Check the boundary against the new WHS site map, however the criteria for this Local Green Space is the green areas in the locality of Peninsular riverbanks, not buildings, and not the whole of the WHS site.</p> <p>No change</p>
<p>L3b <u>Introduction</u> 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: "<i>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...</i>" (emphasised by us).</p>	<p>c3. Objection to the Observatory Hill Local Green Space</p>	<p>Objection noted</p>

<p>...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.</p> <p><u>Local Green Spaces</u></p> <p>The policy we would like to comment on is Policy G2 that relates to the designation of Local Green Spaces.</p> <p>...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.</p> <p>...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.</p> <p>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.</p> <p>...Whilst we do not object to preserving and enhancing the existing</p>		
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<p>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.</p>		
<p>L3b /cont (i) <u>Reasons for Objection</u> 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.</p>	<p>c3. DCC comments re extending the Observatory hill Local Green space</p>	<p>These were based on existing provision in the City of Durham Local Plan saved policies (E5) which the Neighbourhood Plan has to be in general conformity with.</p> <p>Comment noted</p>
<p>L3b /cont (ii) ""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.</p>	<p>c3. Local Green Spaces consistent with Green Belt provisions</p>	<p>See response to L3a /cont (ii) above Comment noted</p>
<p>L3b / cont (iii) ...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</p>	<p>c3. Existing designations</p>	<p>In para. 4.97 of the Neighbourhood Plan the rationale for additional designation is given. Comment noted</p>

<p>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. [Map attached] ...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.</p>		<p>Depending on the outcome of the EiP and the strategic / non-strategic categorisation of this Policy then in the future the Neighbourhood Plan would have to be in general conformity with this Policy. At the moment the Neighbourhood Plan has to be in conformity with the City of Durham Local Plan saved policies.</p> <p>No action</p>
<p>L3b /cont (vi) <u>Conclusion</u> 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:</p> <ul style="list-style-type: none"> • 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). <p>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</p>	<p>C3. Removal of Observatory Hill Local Green Space, for reasons covered above</p>	<p>No action for reasons covered above</p>

<p>and Durham Cathedral.</p> <p>...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 30 th 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.</p> <p>...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.</p> <p>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?</p> <p>....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.</p>		
<p>L8a Historic England {parts copied to Themes 1,2a,2b,3,4, Comments} Elsewhere in the plan, I welcome that you have identified Local Green Space which is important for historical reasons.</p>	c2. Support for Policy G2	Support noted
<p>L5b Durham County Council {parts copied to all Themes, Comments} Theme 3 {actually Theme 2b} General LPA Comment Paragraph 4.77-4.78 talks about the 2012 GI strategy and 2018 GI framework. The latest NPPF has superseded the 2012 document but that is not clear from the way this text has been written.</p>	c5.	Delete para 4.77 and expand para 4.78

<p>Suggested Action Update text to reflect current NPPF.</p>		
<p>L5b /cont (i) Theme 3 {actually Theme 2b} General LPA Comment G2.6 pg. 60-61 – references Areas of High Landscape Value. This will need to be revised to reflect the Areas of Higher Landscape Value in the emerging CDP. It is highlighted within the text that there are a number of designations covering the woodlands, so it is questioned why another designation is required.</p>	<p>c5. AHLV</p>	<p>Note: It was only when carrying out these categorisations and considering the pre-submission draft of the County Durham Local Plan that the Working Part became aware of the full coverage of such areas within the Durham City locality and re-evaluation and new designations of AHLVs.</p> <p>Depending on the outcome of the EiP and the strategic / non-strategic categorisation of this Policy then in the future the Neighbourhood Plan would have to be in general conformity with this Policy. At the moment the Neighbourhood Plan has to be in conformity with the City of Durham Local Plan saved policies. Add in text on AHLVs, new paras after 4.96</p>
<p>L5b /cont (ii) G1 LPA Comment This policy is quite prescriptive and may lead to the sterilisation of some sites.</p>	<p>c3. Concern over effects of Policy G1</p>	<p>Comment noted</p>
<p>L5b /cont (iii) G1 LPA Comment This policy is very long and although it has been split up into sections it is quite difficult to interpret. It would benefit from being split into new provision requirements, safeguarding and enhancing existing provision and exceptions to both of these.</p>	<p>c3. Rewording of Policy G1 to make it clearer</p>	<p>The DCC officer supporting neighbourhood plans went through this Policy with the theme convenor in detail before the 2019 consultation version and all her suggested changes were made into the 2019 draft..</p> <p>Reorganisation done</p>

<p>L5b /cont (iv) G1 LPA Comment The cross referencing to the definition of green assets could be clearer. Suggested Action Consider inserting referencing in a full sentence within the policy.</p>	c3. Amend text of Policy G1	Amend
<p>L5b /cont (v) G1 LPA Comment The policy title and sub headings do not reflect the fact that this policy also seeks to create new assets. Suggested Action Amend title and subheadings where applicable.</p>	c3. Amend title and subheadings of Policy G1	Amend
<p>L5b /cont (vi) G1 LPA Comment Protecting and enhancing green infrastructure: It is not clear why a 0.4 ha threshold is appropriate for non-residential developments. Furthermore, the opening sentence refers to 0.4 ha twice unnecessarily. It is not clear whether this threshold relates to the whole of the policy or just this section of it. Whilst it relates to all types of development regarding a & b there are differing requirements later which is confusing. Suggested Action Refine text and add justification of thresholds within supporting text.</p>	c3. Amend text of Policy G1	This size provision only really refers to the effect on small development plots Amend
<p>L5b /cont (vii) G1 LPA Comment Paragraph above 'protecting footpaths'- as worded would currently result in an overlap if the site was exactly 0.4ha or 10 dwellings. Suggested Action Amend text to clarify.</p>	See above	Sorted by reorganisation
<p>L5b /cont (viii) G1 LPA Comment It is not clear in the third paragraph with the use of the term 'such development' what is being referred to – all development within the threshold or just that which meets a & b. Suggested Action Amend text to clarify.</p>	c3. Amend text of Policy G1	Sorted by reorganisation
<p>L5b /cont (ix)</p>	c3. Amend text of Policy G1	Amend across the theme

<p>G1 LPA Comment The use of the term ‘feasible’ is too weak and will be difficult to measure Suggested Action Strengthen by referring to ‘viable’ to introduce a measurable test.</p>		
<p>L5b /cont (x) G1 LPA Comment It is unclear why reference to the Emerald Network is relevant when considering deficiencies in provision. Suggested Action Reconsider or clarify requirement scope.</p>	c3. Amend text of Policy G1	Amend
<p>L5b /cont (xi) G1 LPA Comment There is no need to repeat the threshold towards the latter part of the policy. Furthermore, criterion c contradicts a & b. There is scope to refine the sections of the policy relating to criteria a – c so that it is clear and more concise.</p>	c3. Amend text of Policy G1	Sorted by reorganisation
<p>L5b /cont (xii) G1 LPA Comment Protecting footpaths: This section of the policy is also about enhancing networks. As this is a lengthy policy it is important that the headings fully reflect the scope of a given section in the interests of clarity and usability. Suggested Action Amend title.</p>	c3. Amend text of Policy G1	Amend
<p>L5b /cont (xiii) G1 LPA Comment This part of the policy introduces a test with too high a bar when considered against NPPF and the emerging CDP. Suggested Action Reconsider level of policy barr.</p>	c3. Amend text of Policy G1	Sorted by reorganisation
<p>L5b /cont (xiv) G1 LPA Comment Use of ‘such as’ is not sufficiently clear as it provides an indication but not an absolute list. Examples should be included in the supporting text not the policy. Any lists should be fully closed lists in the interests</p>	c3. Amend text of Policy G1	Amend

of clarity and certainty. Suggested Action Reconsider wording to address concern.		
L5b /cont (xv) G1 LPA Comment It is not clear what the neighbourhood plan is trying to prevent or how 'substantial public benefit' would be measured. Public health and safety maybe, or maybe substantial environmental benefit? Suggested Action Provide clarification.	c3. Amend text of Policy G1	Sorted by reorganisation
L5b /cont (xvi) G1 LPA Comment Protecting green corridors Green assets may include green corridors. The relationship between requirements in Protecting Green Assets and this section are too complicated to ensure correct interpretation. Suggested Action Consider having one section which deals with exceptions and resulting requirements where harm or loss of any of the assets would result.	c3. Amend text of Policy G1	Sorted by reorganisation
L5b /cont (xvii) G1 LPA Comment There is a switch in terminology which means that it is not clear if these are actually mapped or whether they are just all of the green assets or the emerald network or something else. Suggested Action Clarification required.	c3. Amend text of Policy G1	Amend
L5b /cont (xviii) G1 LPA Comment Criterion f: it is not clear whether this is in relation to existing and/ or new routes Suggested Action Clarification required.	c3. Amend text of Policy G1	Amend
L5b /cont (xix) G1 LPA Comment Protecting trees and hedgerows: With regard to requirement for "...an equivalent number of trees and	c3. Amend text of Policy G1	Amend

hedgerows should be planted.” Whilst good in theory it is unclear how will this be achieved in practice? Land would need to be available to do this. Suggested Action Clarification required.		
L5b /cont (xx) G1 LPA Comment The use of the term ‘wherever possible’ weakens the policy and is not required as the policy includes an exception clause.	c3. Amend text of Policy G1	Amend
L5b /cont (xxi) G1 LPA Comment Reference should be made to new provision being native species.	c3. Amend text of Policy G1	Amend
L5b /cont (i) G1 LPA Comment Protecting and enhancing the riverbanks: It is considered that the third paragraph should also include reference to pedestrian access.	c3. Amend text of Policy G1	Amend
L5b /cont (xxii) G1 LPA Comment This may be possible on defined public rights of way but if there are routes on private land which are not defined as PROW its enforceability is questionable.	c3. Amend text of Policy G1	Amend
L5b /cont (xxiii) G2 {though DCC placed under G1} LPA Comment It is not clear why the area mapped for both The Sands and The Racecourse should cover only the narrow corridor of the river banks. The description in the text of G1.1 appears to cover the whole of these features. Suggested Action Review mapping.	c5. The Riverbanks Local Green Space is only the riverbanks	Amend the accompanying text accordingly
L5b /cont (xxiv) G2 {though DCC placed under G1} LPA Comment The racecourse is noted as being the site of the Durham Miner’s Gala – which occupies a larger area than the riverside corridor. The Sands is referred to as a grassed area with recreational value providing a venue	As above	

for events – which describes the open green of The Sands and not just the narrow riverside strip. Consideration should be given to reviewing the mapping so that it corresponds more closely with the text.		
<p>L5b /cont (xxv) G2 LPA Comment The council has previously commented and raised concerns upon specific sites included within this policy including: Suggested Action Please refer to previous advice and comments provided (see attached document).</p>	c3. Inclusion of sites with existing protections	<p>Rationale given in para 4.97</p> <p>The Neighbourhood Plan Working Party and the DCC have agreed to differ on this point and await the Inspector's judgement.</p> <p>No action</p>
<p>L5b /cont (xxvi) G2 LPA Comment That the 'characteristics that make these sites important and special to local people' have not been defined enough for development management officers to use the policy in decision making.</p>	c5. Insufficient characterisation	Amend text
<p>L5b /cont (xxvii) G2 LPA Comment The county council is particularly concerned about the inclusion of the DLI. Concern is also expressed regarding the inclusion of Neville's Cross Battlefield in relation to the proposals set out in the County Durham Plan. It is unclear as to why additional protection is required for these sites and what that protection is, as the tests seems to be the same in relation to those sites which already fall within defined green belt.</p>	c3. Inclusion of sites with existing protections	<p>Rationale given in para 4.97</p> <p>The Neighbourhood Plan Working Party and the DCC have agreed to differ on this point and await the Inspector's judgement.</p> <p>No action</p>
<p>L5b /cont (xxviii) G2 LPA Comment The policy also fails to define what constitutes 'harm' or are 'appropriate mitigation measures'. The characteristics of each site do not appear to be summarised clearly for the reader's benefit in the interests of clarity.</p>	c3. Amend text of Policy G2	<p>'Harm' and 'mitigation' is not defined in the NPPF.</p> <p>These would be dealt with on a case by case basis, depending on the specifics of a development proposal.</p> <p>No change</p>
<p>L5b /cont (xxix) G3 LPA Comment</p>	c3. c5. Concerns over access issues to these sites in Policy G3.	Amend

<p>The county council remains concerned about the impact that encouraging people to use the proposed network will have on its ecology. It is not clear that this has been adequately considered.</p>	<p>c4.</p>	<p>Initiative 6: 'Setting up the Emerald Network' in 'Looking Forwards' outlines the procedure for establishing the network</p> <p>Make clear in text that existing owner's access arrangements stand. And staying on PROW and not trespassing is a requirement. Also note Initiative 6.</p>
<p>L5b /cont (xxx) G4 LPA Comment It is not clear why this policy is in two halves or why the first half is about “enhancing” the inner bowl, but the second half is about “not having a negative impact”? Is that to achieve a lower test for the outer bowl? Suggested Action Clarification required.</p>	<p>c3 Amend text of Policy 4</p>	<p>Amend</p>
<p>L5b /cont (xxxi) G4 LPA Comment The geographic references made within this policy need to be cross referenced to a map so that the reader knows precisely the extent of the areas in question.</p>	<p>c3 Amend text of Policy 4</p>	<p>Amend</p>
<p>L5b /cont (xxii) G4 LPA Comment Criteria b & d: This should refer to openness of Green Belt also. The use of the word ‘<i>impair</i>’ is insufficiently clear and is subjective.</p>	<p>c3 Amend text of Policy 4</p>	<p>Amend</p>
<p>L5b /cont (xxiii) G4 LPA Comment It is not considered that this policy fully addresses the ‘beneficial use’ of green belt as set out in NPPF. Therefore, it has missed an opportunity to identify some specific proposals appropriate to those areas and does not offer any more policy direction and guidance to the reader than the existing policy context.</p>	<p>c3 Amend Policy G4</p>	<p>Policy G4 outlines the types of improvements that are applicable. 'Looking Forwards' would be the mechanism for identification of the specific details of individual beneficial improvements required by the community. Policy G4 provides the planning approval mechanism for such specific proposals.</p>

		As per DCC comment L5b /cont (xiv) "Examples should be included in the supporting text not the policy." Add into accompanying text
L6a Durham University {parts copied to all Themes, Comments} Page 57 – Policy G2: (1) River Wear corridor, (2) Observatory Hill There are University land ownerships allocated under this policy. Please refer to the previous reps submitted on 30.11.19 (also appended to this letter).	c2. Refers to previous representation (on 30.11.2018, not 2019)	See L6b No action
L6a /cont (i) Page 57 – Policy G2: (1) River Wear corridor, (2) Observatory Hill A site visit was undertaken with members of the Neighbourhood Planning Team on 01.07.19 to visit the Observatory Hill and Bow Cemetery and two fields on the south side of Potters Bank. From this meeting we would make the following further comments; i. The current adopted policy and the proposed draft submitted CDP policies covering these sites provide sufficient, suitable and appropriate level of protection. Therefore, the LGS allocation is unnecessary.	c3. Removal of the Observatory Hill Local Green space	Rationale for additional designations given in para 4.97 The Neighbourhood Plan Working Party and the DCC have agreed to differ on this point and await the Inspector's judgement. No action
L6a /cont (ii) Page 57 – Policy G2: (1) River Wear corridor, (2) Observatory Hill ii. The Observatory buildings are currently used for storage, but the University aspiration is for the buildings to be brought back into active and beneficial use. It is expected that to make these buildings viable for active use there will need to be expansion of the buildings plus access and landscaping improvements made. The LGS allocation would preclude the Observatory buildings being brought back into beneficial and active use, thus losing the potential research and community benefits an active use could bring too.	c2. University future development of, and around, the Observatory buildings	The Observatory, Observatory Cottage and a portion of land surrounding these buildings is NOT included in the Local Green Space. For land in the Local Green space: local green space policies should be consistent with treatment of the Green Belt. Therefore, some types of development in this area would be allowable, see NPPF Green Belt allowable development paras 145 to 146. For large-scale development very

		special circumstances would need to be demonstrated NPPF paras 143 to 144. Comment noted
<p>L6a /cont (iii) Page 57 – Policy G2: (1) River Wear corridor, (2) Observatory Hill We have reviewed the Sustainability Appraisal for the City of Durham Neighbourhood Plan April 2019. The assessment has only been undertaken against the proposed location of the designation with three options on boundaries to the designation. In terms of the assessment of alternatives the proposed allocation location has been assessed but it is still not clear that a wider set of possible LGS sites within the DCNP area have been considered and assessed, thus this allocation and site selection of the proposed designation cannot be considered sufficient tested, justified or robust.</p>	c2. SA process insufficient for LGS policy	<p>The SA assessed the different options for the Observatory Hill local green space under the same set of eight SA objectives as every other policy in the Neighbourhood Plan, so this assessment was wider than just looking at the boundary, and covered social, environmental and economic aspects.</p> <p>SA has covered the whole of the Plan and has been approved by the DCC.</p> <p>The Neighbourhood Planning Forum carried out an assessment of local spaces in the Neighbourhood Plan area, see: http://npf.durhamcity.org.uk/wp-content/uploads/2019/05/NPOpenSpacesAssessment.pdf</p> <p>Comment noted</p>
<p>L6a /cont (iv) Page 57 – Policy G2: (1) River Wear corridor, (2) Observatory Hill In terms of the two fields on the south side of Potters Bank, as highlighted previously they are in operational use and have limited or no public access. Also these two fields sit immediately next to existing built form of the University. The University Estate Masterplan 2017 – 2027 has only reasonably planned for a 10-year period. However it is reasonable to expect that for the University to remain competitive and plan for future they must be able to protect current operational land for</p>	c2. Operational use and future development of the fields on the south side of Potters bank	<p>PPG 'Open space, sports and recreation facilities, public rights of way and local green space' notes: para. 017 "Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be</p>

<p>further sustainable development within their landholdings. These two fields are sustainably located next to existing University facilities therefore it is reasonable to expect that these sites may form potential sustainable expansion of the two colleges they adjoin beyond the current Estates Masterplan timescales but within the Plan period.</p>		<p>respected." para. 020 "Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners." Thus there is nothing in the designation of these fields within the Observatory Hill local green space that would prevent the University from using the land operationally as they currently do so</p> <p>Re future development: see response in L6a /cont (ii)</p> <p>Policy 40 in the Durham County Local Plan covers Areas of Higher Landscape Value with a high level of protection against development for such areas very similar (though not with quite such a high bar) to that provided by Policy G2. Observatory Hill and Elvet Hill is included within the Durham City AHLV with a boundary very similar to that in the Neighbourhood Plan. We have been informed by the University that they did not object to this policy in the pre-submission consultation on the County Durham Local Plan.</p> <p>Comment noted</p>
<p>L6a /cont (v)</p>	<p>c2 Prior change to Plan welcomed</p>	<p>Comment noted</p>

<p>Page 64 – Policy G3: Durham University welcome the changes made to the Botanic Garden and Pelaw Wood allocations to remove the operational areas.</p>		
<p>L6a /cont (vi) Page 64 – Policy G3: Observatory Hill has been added as an additional site which was not previously included. As set out above and attached, Observatory Hill is a University site and the University considers this land as operational or with operational potential and would therefore request that the area of operational land is removed from the allocation.</p>	c3 Removal of Observatory Hill Local Green Space	No action for reasons covered above
<p>L6a /cont (vii) Page 69– Paragraph 4.104 Green Belt justification This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>	c2 Prior change to Plan welcomed	Comment noted
<p>L6b Durham University Letter dated 30/11/2018 I write further to your email on 31st October 2018 in relation to the potential additional sites for Local Green Space Designations. My comments on behalf of Durham University are set out below. 1. Introduction Since the pre-submission consultation of the Durham City Neighbourhood Plan ('NP'), you are seeking a number of new locations to extend the current proposed boundaries of the Observatory Hill Local Green Space ('LGS'), that being: (a) Field at the bottom of Potters Bank North West of St Mary's College; and (b) Field down from Elvet Hill / St Aidan's College, South of Potters Bank. I can confirm that Durham University are owners of the land in question and that the University wish to oppose its inclusion as Local Green Space in the Neighbourhood Plan.</p>	c3. Objection to Observatory Hill Local Green Space	<p>The University letter dated 30/11/18 was received in response to the Neighbourhood Plan Working Party contacting the University as owners of land in the Observatory Hill local green space to discuss the issue prior to amending Policy G2. The Working Party suggested to the University to submit this letter to the 2019 consultation.</p> <p>No action for reasons given above in L6a and for reasons given below</p>
<p>L6b /cont (i) The previous comments made in respect of the wider LGS at</p>	c3.	No action

<p>Observatory Hill (December 2017) were that part of that allocation proposed at pre-submission stage is owned by Durham University, that the University views this land as operational or with operational potential and do not wish it to be allocated as Local Green Space. A map accompanied the DU submission (Map 6 – DU representations) which identified the area for deletion in red. This remains DU's position.</p>		
<p>L6b /cont (ii) Regardless of the previous submissions made by Durham University as landowner, the NP has gone further and identified potential additional DU land for inclusion with the LGS designation. In a subsequent email it was stated that the basis for this proposed change relates to an isolated comment made by 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...”.</p>	<p>c2. Additions proposed to the Observatory Hill Local Green Space came from the DCC's comment in response to the 2017 consultation.</p>	<p>These were based on existing provision in the City of Durham Local Plan saved policies which the Neighbourhood Plan has to be in general conformity with.</p> <p>Comment noted</p>
<p>L6b /cont (iii) To clarify: i. Suggested additional area (a) north west of St Mary’s College currently forms part of a Grazing/Mowing agreement with the farm at Houghall College, which is operated for its educational purposes. It is well related to a range of existing University facilities and buildings and with the exception of PROW no. 40, which runs through the centre of the site, there is no public access to the land. There have never been any public or University events held on the land. The site is adjacent to a small number (circa 15) of residential units along Quarryheads Lane but has a poor relationship with the rest of the community in Durham City as PROW no.40 does not form a useful link or short cut and the field is separated from the main suggested allocation of LGS by Potters Bank and from the other extension site by Elvet Hill Road.</p>	<p>c2. Re operational use, public access. c2. Field next to St Mary's College not near a local community</p>	<p>See response in L6a /cont (iv)</p> <p>The centre of Durham City is regarded by people who live in the Neighbourhood Plan area as their own special place. People visit, walk about, take visitors to this centre. The centre is a small, walkable place. The field next to St Mary’s College is part of one of the green fingers/wedges that local people value highly as shown by the responses to the Priority survey. http://npf.durhamcity.org.uk/your-views/priorities/good/</p> <p>Comment noted</p>
<p>L6b /cont (iv) ii. Suggested additional site (b) South of Potters Bank is private land in DU ownership and again subject to a Grazing/Mowing agreement with</p>	<p>c2</p>	<p>See above in L6b / cont (iii)</p>

<p>the farm at Houghall College. There is no public right of way or public access on the site. A permissive path runs along the far west boundary of the site (typically used by students taking a short cut to the Business School from Ustinov College) but there is nothing more than this. The site is pastoral land and well related to the adjacent University uses of St Aidan's College and the Al-Qasimi Building rather than the other areas to be allocated as LGS.</p>		
<p>L6b /cont (v) 2. The view of Durham County Council Having spoken with Durham County Council they have responded that to interpret and analyse the basis of their comments appropriately, it is necessary to consider the comment from DCC in its entirety; the starting point of which is that DCC are clear that they consider that both individually and collectively there are “a number of policies proposed that place unreasonable, unequitable, conflicting, and unjustified and/ or inadequately evidenced constraints on future development proposals for the area.” The County Council go on to state that: “The overall approach in the document is considered by the council to be one of imbalanced, inflexible control which is divergent from the approach advocated within the current City of Durham Local Plan and NPPF. It is also at odds with the county council’s wider emerging policy approach regarding the potential of the city in contribution the wider economic prosperity of the county.”</p>	<p>c2. DCC's response to the 2017 consultation</p>	<p>All these issues raised by the DCC have been addressed in the 2019 version of the Plan following discussions with the County Council officers who confirmed that the 2017 response had been overtaken and no longer applies.</p>
<p>L6b /cont (vi) The Council also comments that significant stakeholders, each with differing interests and requirements, have not been adequately engaged in the preparation of the draft plan and this raises question marks over the delivery of parts of the plan. DCC go on to state: “For example the DCNP proposes a number of land use allocations and restrictive Local Green Space designations and it has done so without prior engagement with land owners, including the council. As such the proposals may conflict with the intent of land owners, affect land values and/or result in the identification of sites that have no prospect of being delivered.”</p>	<p>c2. DCC's response to the 2017 consultation</p>	<p>The Neighbourhood Plan Working Party refuted this lack of consultation. When the Neighbourhood Plan is submitted a Consultation Statement will also be submitted.</p> <p>Comment noted</p>
<p>L6b /cont (vii) The Council concludes that, as they have “not seen an evidence base</p>	<p>c2. Assessment of Local Green Spaces</p>	<p>The Neighbourhood Planning Forum carried out an assessment of local</p>

<p>which shows a wider set of possible Local Green Space sites that were systematically considered and the selection criteria (which should include that set out in paragraph 77 of NPPF) that led to sites being selected or discounted and boundaries being drawn has not been made available”, the Council are unable to determine whether the site selection and boundary extent is justified and robust.</p>		<p>spaces in the Neighbourhood Plan area, see: http://npf.durhamcity.org.uk/wp-content/uploads/2019/05/NPOpenSpacesAssessment.pdf</p> <p>Comment noted</p>
<p>L6b /cont (viii) In further support of this, I've have reviewed the original advice given by Ged Lawson (landscape officer at DCC) which clearly sets out: <i>If it is considered appropriate to identify the area as LGS – rather than in an open space policy similar to E5 which would be an alternative – then consideration should be given to identifying this wider area. Something like that shown below ‘Observatory Hill and Elvet Hill’ and “...our preferred approach would still be a protected open spaces policy like the existing DCLP E5...”</i></p>	c2. DCC advice	<p>These were based on existing provision in the City of Durham Local Plan saved policies 9E5) which the Neighbourhood Plan has to be in general conformity with.</p> <p>The power for Neighbourhood Plans to designate Local Green Spaces did not exist at the time the City of Durham Local Plan was produced. These powers are the way that an open space policy can be produced.</p> <p>Comment noted</p>
<p>L6b /cont (ix) The view of the Council is clear, they are not in a position to give detailed comments on the LGS boundaries, that the plan needs to take a consistent approach to these green spaces and it is not advocating LGS as the best approach to these fields.</p>	c2 Opposition to LGSD designation	<p>Superseded by 2019 consultation responses.</p> <p>Comment noted</p>
<p>L6b /cont (x) 3. Observatory Hill existing protective designations (Relevant to DU land in existing proposed LGS designation and new potential LGS sites) PPG 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</p>	c2 Existing designations	<p>Rationale for additional designations given in para 4.97</p> <p>The Neighbourhood Plan Working Party and the DCC have agreed to differ on this point and await the Inspector's judgement.</p> <p>Comment noted</p>

<p>Heritage Site 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).</p> <p>E5 recognises that open spaces within the settlement boundary of Durham city form a vital part of its character and setting will be protected by:</p> <p>“1. Not permitting any development at observatory hill or along the riverbanks except for minor development related to either the use of existing buildings or outdoor sport and recreational use; 2. Only permitting development within the mount Oswald-Elvet Hill parkland landscape area which: a) does not exceed the height of surrounding trees and is sympathetic to its landscape setting; and b) is of a low density and sets aside most of the site for Landscaping/open space. 3. Not permitting any development at St Margaret’s Church graveyard and the adjoining allotments except that related directly to use as a churchyard or as allotments.”</p> <p>The land is therefore already afforded a suitable and appropriate level of protection by virtue of its setting within the WHS and Conservation Area which themselves contain significant and constraining policies. It also forms part of policy E5 which protects open spaces. When read in the context of the policy position and the NP’s stated purpose of designating LGS’s (see below) there is therefore no additional local community benefit to be gained from the inclusion of these two additional sites or any other DU land within the Observatory Hill LGS designation.</p>		
<p>L6b /cont (xi) 4. Policy Position The process and framework for designation of land as Local Green Space through local and neighbourhood plans is set out in National Planning Guidance (Paragraphs 99 and 100 of the NPPF). LGS</p>	<p>c2. Sustainable development</p>	<p>These 2017 comments have been superseded. See response in L6b /cont (v)</p> <p>The Neighbourhood Plan in Policies</p>

<p>designations must be in accordance with the policy contained within the NPPF and, in this instance, the University consider that the identification of DU land within the Observatory Hill LGS is not consistent with policy and should be excluded on this basis.</p> <p>The NPF's allocation of LGS is inconsistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</p>		<p>D1 and D2 have identified sites for housing development and in Policies E1 and E2 have identified sites for economic development.</p> <p>The SA noted no concerns about the Plan not being consistent with sustainable development.</p> <p>Comment noted</p>
<p>L6b /cont (xii)</p> <p>Firstly, whilst the guidance allows communities to identify and protect green areas of importance to them, the same guidance goes on to clarify that designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</p> <p>This is a key point. LGS can be designated only where a determination has been made in respect of the sufficiency of the provision of sufficient, homes, jobs and other essential services - including education.</p>	c2	See above
<p>L6b /cont (xiii)</p> <p>This is part of the wider question over the robustness of the NP and the issues highlighted by Durham County Council in its pre-submission draft response:</p> <p>“in its current form the draft plan reads as an overly restrictive policy document which poses the prospect of future stagnation to the area, which includes the city centre, a significant valuable heritage and economic asset.”</p> <p>It goes on:</p> <p>“The relationship of the draft plan to strategic policies is a significant area of concern for the council. The resulting repetition in covering these strategic matters not only conflicts with the existing planning policy framework to differing degrees but does so in the absence of clear and evidenced justification or mitigation for the adverse implications that could result.”</p>	c2. DCC's response to 2017 consultation	<p>The Neighbourhood Plan policies have been written to address the views of the community given in the Priority Survey and other engagement activities. See http://npf.durhamcity.org.uk/your-views/priorities/</p> <p>These policies have been further endorsed by the high agreement scores received in both the 2017 and 2019 consultations.</p> <p>The DCC was incorrect in stating that the Plan was trespassing on the</p>

		<p>DCC's strategic policies. The Basic Conditions for a Neighbourhood Plan include the requirement for general conformity with the strategic policies of the Local Plan. At the 2017 consultation, and currently, the relevant development plan is the Saved Policies of the City of Durham Local Plan 2004 as deemed compliant by Durham County Council with the NPPF. The submitted County Durham Local Plan carries no weight until its adoption after the Inspector's recommendations following the Examination in Public to be held October to December 2019. As part of the responses to the pre-submission draft of the County Durham Local Plan the strategic categorisation of policies has been challenged. Additionally, Neighbourhood Plans only have to be in general conformity with Local Plan strategic policies: they can cover the issue within a strategic policy and provide the local fine grain detail to such policies.</p> <p>Comment noted</p>
<p>L6b /cont (xiv) It appears to be clearly premature to prescribe areas of LGS when there are still several outstanding matters relating to homes, jobs and essential services.</p>	<p>c1b and c1c:</p>	<p>The specific of these outstanding matters have not been given in the letter so we are unable to comment. They may be outside the remit of Neighbourhood Plans.</p> <p>Although the emerging CDP carries no weight, the Neighbourhood Plan</p>

		cannot really be accused of being premature as the emerging CDP doesn't seek to allocate any of the LGS sites for development, and have protected them as AHLV. Comment noted
L6b /cont (xv) The NP should recognise that Durham University and its operations are a central and integral part of Durham City as well as being a major economic driver and job creator. Its short, medium and longer-term growth ambitions are essential to the long term sustainable development and continued growth of the City and beyond, into the wider North East region. DU must be allowed to strengthen its future offer and services in a sustainable and considered way. The allocation of DU land as LGS without our express consent essentially amounts to a preventive designation and is entirely inconsistent with sustainable development policies and economic growth ambitions of the City.	c2. Economic role of University	The Neighbourhood Plan policies have been written to address the views of the community given in the Priority Survey and other engagement activities. See http://npf.durhamcity.org.uk/your-views/priorities/ These policies have been further endorsed by the high agreement scores received in both the 2017 and 2019 consultations. Comment noted
L6b /cont (xvi) There is already a suitable and appropriate level of protection in place by virtue of the sites' setting within the WHS and Conservation Area which themselves contain significant and constraining policies. Allocation as LGS for the sole purpose of stifling or constraining essential development unnecessarily, will conflict directly with the aims of national guidance to ensure consistency with local planning of sustainable development and complement investment in sufficient homes, jobs and other important and essential services (such as the University) and, consequently, such a designation is unlikely to endure beyond the plan period; again, in direct conflict with policy (NPPF para 99).	c2. Repeating points made above. c2. Time span	See above Neighbourhood Plans are refreshed when appropriate, and depending on the relative timescales of the adoption of the County Durham Local Plan and the Neighbourhood Plan, the Neighbourhood Plan will be checked for general conformity to Local Plan strategic policies. Comment noted
L6b /cont (xvii) The NPF's designation of LGS is inconsistent with the purpose of LGS designations I understand that Local Green Space is not intended to be a broad	c2. Meeting NPPF criteria	Comment noted

<p>brush or widespread designation and will not be appropriate for most green areas or open space. NPPF makes clear that: “the Local Green Space designation should only be used where the green space is:</p> <p>a) in reasonably close proximity to the community it serves;</p> <p>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</p> <p>c) local in character and is not an extensive tract of land.”</p>		
<p>L6b /cont (xviii) As the NPPF makes clear local policy for managing development within a Local Green Space should be consistent with policy for Green Belts, LGS is therefore an exceptional designation and not appropriate for most green or open spaces on the basis that LGS designation is equivalent to Green Belt. The imposition of a “very special circumstances” approach inevitably carries with it the same exceptionality requirement for designation at the plan-making stage to be applied in the Green Belt context.</p>	c2.	See response to L6a /cont (iv)
<p>L6b /cont (xix) The stated reasons for inclusion of the LGS designations within the submission draft NP are:</p> <p>i) Importance of the sites to the local community; and</p> <p>ii) To ensure that the sites are protected from development. (NB. The NP document states: “these areas are not as secure as their existing protections would imply. The development pressure in a small constrained area such as Our Neighbourhood is high. There is recent history of planning approvals for large scale developments in the Green Belt with predicted future plans for much more development in the Green Belt.”).</p>		
<p>L6b /cont (xx) In relation to:</p> <p><i>i) the importance of the DU land at Observatory Hill LGS to the community</i>, this is set out below in the context of the NPPF and demonstrates why the land is not demonstrably special to a local community and that there is no particular local significance of the sites</p>	c2. Importance to local community	It is for the local community to deem the space to be important to them. The Priority survey results, the responses to the 2017 and 2019 consultations, and the Consultation Statement demonstrates that these spaces are

to the community.		important to the local community. Comment noted.
L6b /cont (xxi) <i>ii) to protect sites from development</i> , as stated above there is already suitable and appropriate protection in place for the sites and that the imposition of LGS designations will be inconsistent with the aims of national guidance to ensure consistency with local planning of sustainable development and complement investment in sufficient homes, jobs and other important and essential services (such as the University). It is also worth noting that the planning guidance is explicit in its position <i>that blanket designation of open countryside adjacent to settlements will not be appropriate</i> . It continues: <i>“In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name”</i> .	c2. Other designations	See response to L6b /cont (x) The LGS It is not “open countryside adjacent to a settlement”. It is a pocket of rural land within a settlement, which is rather different. That is one of the reasons it is so highly valued. Comment noted
L6b /cont (xxii) There is no reasonable justification for an LGS in the locations identified.	c2 LGS not justified	Covered above
L6b /cont (xxiii) Having reviewed the key policy terms, below on the basis that the NPPF requires Local Green Space designations only to be used where the green space is: <i>a) in reasonably close proximity to the community it serves;</i> Both sites have clear spatial and visual relationships with University buildings and facilities and a limited relationship with any main centres of residential population in Durham City. Site (a) is particularly detached from the community; it is adjacent to a limited number (circa 15) houses and not well used. Site (b) is also not in particularly close proximity to the centre of the Durham City residential community and does not serve as public open space. The westernmost edge has a permissive path, used predominantly by students between University facilities.	c2. Close proximity	See response to L6b /cont (iii)
L6b /cont (xxiv) <i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic</i>	c2. Importance to local community	See response to L6b /cont (xx)

<p><i>significance, recreational value (including as a playing field), tranquillity or richness of its wildlife;</i> LGS must also be special to the local community and hold a particular local significance to them. As set out above, there is no public access other than a PROW through site (a), the land is privately owned operational land by DU.</p>		
<p>L6b /cont (xxv) Recreational value of the land Both additional sites are agricultural fields; one of which allows formal public access across it for walks. The other has no public access excepting its western perimeter. However, the sites are not dissimilar in this respect to many other areas of greenspace adjoining residential areas and they are no different to any other fields around the city. Over the last 15 years, reflecting the changing nature of agriculture, regulation & subsidy, the fields have gone from being actively cultivated, to set-aside, to being used as pasture for sheep & horses and now cropped for feed. There is limited public access with some occasional recreational walking and no particular features of this land that would distinguish it from the vast majority of other land surrounding Durham City. The site has no ‘demonstrably special’ recreational value for the local community.</p>	c2. Recreational value	<p>Observatory Hill is very well used by the local community for a wide range of recreational activities. People walk along the PROW in this area and appreciate the landscape and the nature they are walking through / past (a recreational activity in its own right).</p> <p>A key feature of the field next to St Aidan's is that one of the most spectacular views of the Cathedral is viewed across it. That is “demonstrably special”.</p> <p>Comment noted</p>
<p>L6b /cont (xxvi) Beauty The site is in a suburban location on the outskirts of Durham but closely related to the University facilities and operations. As such, the character of the site is as part of the setting of the university, rather than residential; in character. Whilst there is public access along one footpath, these footpaths are not well used by the local community and there are many areas of countryside where footpaths allow public access, and this is no different or demonstrably special. It is also not the purpose of the Local Green Space designations to include countryside land that provides wider views of the countryside, to be LGS, the site itself must be prized for its amenity value and have ‘particular local significance’. Given the fields have been in use for agricultural purposes and are not in any active use, there is no local</p>	c2. Beauty	<p>Many points given above demonstrates that this Local Green Space has high value to the local community. As well as the beauty of a landscape setting, and of views, the beauty of the green wedges in the City, such as the approach along Potters Bank to the centre is highly prized.</p> <p>Wrong in argument about no amenity value: the guidance says LGS designation can even apply to land with no public access, Therefore it is clear that amenity is not just about</p>

significance or amenity value to the land.		activities taking place on the land. Views are an amenity and are highly valued by the local community Comment noted
<p>L6b /cont (xxvii) Historical significance The Observatory is the first building the University built in the 1830s. The surrounding site has been used by the University since as a location for research and experimentation; there remains on site an underground bunker which was used to house seismological equipment, a compound that contained the first prototype gamma ray telescope made in about 1981 & used until the early 2000's when the University joined an EU collaboration and until recently the student Astronomical Society had standard reflecting telescopes permanently located in the grounds. The additional proposed sites (a) and (b) are agricultural fields with no historic significance. The University will undertake detailed analysis of this matter to fully inform the next formal consultation process of the NP.</p>	c2. Historical significance	The historical value is as the setting for the WHS and the Durham City Conservation Area. Historical value resides in landscape as well as buildings. Comment noted
<p>L6b /cont (xxviii) Ecological importance The sites are largely actively managed and mown by Houghall College so the land is predominantly grassland with little ecological value. If required during the course of the next stage in the preparation of the NP, the University will undertake detailed analysis of the matter to fully inform the next formal consultation of the NP.</p>	c2. Ecological importance	Most of Observatory Hill is used for agricultural purposes, as rough grassland. Land around the Observatory contained orchids and other rare plants. However, these have been lost since Durham University's tenant has ploughed the land to claim the agricultural subsidy. However, it would be possible to recreate the plant community if the land were managed with conservation in mind. Comment noted
<p>L6b /cont (xxix) Tranquillity The sites are operational land owned by the university and in close</p>	c2. Tranquillity	It does provide for tranquillity. The University building activities do not impinge upon this Local Green space.

<p>proximity to university teaching facilities. The land is bound on all sides by offices, university buildings, houses and the expanded area actually has two roads running through it with Potters Bank in particular being a well-used rat-run to avoid Neville's Cross. The adjacent fields offer limited tranquillity and are not demonstrably special in this respect.</p>		<p>Houses are well set back. There is traffic, but away from the road up on Observatory Hill, in the fields, or the Cemetery then a feeling of tranquility is obtained. HELP</p> <p>Comment noted</p>
<p>L6b /cont (xxx) In balance, the land cannot be demonstrated to be more special to the community than many other areas of open green space on the edge of the city and as such has no particular merit for special designation.</p>	c2.	Comment noted
<p>L6b /cont (xxx) <i>c) local in character and is not an extensive tract of land.</i> If required during the course of the next stage in the preparation of the NP, the University will undertake detailed analysis of landscape character to fully inform the next formal consultation of the NP but at this stage, I note that although the NPPG sets out that "there are no hard and fast rules about how big a Local Green Space can be" on the basis that places are different and a degree of judgment will inevitably be needed, paragraph 77 of the NPPF is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land and that as a result of this "blanket designation of open countryside adjacent to settlements will not be appropriate". Given the size of the proposed LGS Observatory Hill designation (including the three DU sites discussed above) totals 16 hectares it does appear to be an extensive tract of land and will be a significant portion of the green space in the plan area. I understand that there are a number of recent Inspector's reports which address Neighbourhood Plans and specifically in relation to the definition of an 'extensive tract of land'. A range of Inspectors Reports are confirming that potential LGS designations extending to as small as around 2.5 hectares are regarded as being 'extensive tracts of land' and are concluding that</p>	c2. Size	<p>As the NPPF does not specify the allowable size of a Local Green Space it is a subjective opinion whether this space is too large. The final judgement will be made by the Inspector.</p> <p>Comment noted</p>

<p>such designations are in conflict with the provisions of the NPPF. A recent example (September 2018) is the 'Cuddington' NP that identified a 12.9ha tract of land for designation as Local Green Space, however the examiner deemed this proposal to constitute an extensive tract of land and therefore contrary to the guidance set out in paragraph 77 of the NPPF. It was removed from the NP on this basis. Another recent examination (August 2017) of the 'Davenham and Whatcroft' NP ruled the that a 6.2ha piece of land represents an extensive tract of land. Furthermore, there have been various other examiner's reports that have stated even smaller tracts of land to be too excessive in area for Local Green Space designation, including; 'Alrewas' (August 2015) approximately 2.5ha and 3.9ha, 'Sedlescombe' (January 2015) approximately 4.6ha, 'Tatenhill' (November 2015) approximately 9.2ha and 4.3ha and 'Oakley and Deane' (December 2015) just over 5ha; all were recommended for removal from their respective NPs.</p> <p>All the aforementioned examples highlight significantly smaller tracts of land - than the proposed site at Observatory Hill – and confirmed as being 'excessive'.</p>		
<p>L6b /cont (xxxii) Therefore, the suggested LGS designation of DU land at Observatory Hill is not appropriate in the context of the NPPF; it is an extensive tract of land, the sites only serve a limited population either by proximity or use, are not demonstrably special to the community and have no particular local significance. In the context of the NP, stated reasons for inclusion the sites are not deemed to be more important to the local community than many other sites around Durham City and there are adequate protections already in place on the land in the form of WHS and CA setting and protective policy E5. To impose a Green Belt policy (to all intents and purposes) on the land in addition appears to be a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.</p>	c2	Comment noted
<p>L6b /cont (xxxiii) Such an approach is not appropriate, and therefore request that the DU land is removed from the LGS designation.</p>	c3. Removal of Observatory Hill Local Green Space	For reasons given above in L6a and L6b no action.
<p>L6b /cont (xxxiv)</p>	c2.	Comment noted

<p>Conclusions The University consider that the inclusion of additional land at sites (a) and (b) as well as the Durham University land at Observatory Hill in the existing proposed LGS designation is not appropriate on the basis that:</p> <ul style="list-style-type: none"> DCC's isolated comment is immaterial and made in the acknowledgement that DCC cannot determine whether site boundaries for LGS are robust and justified. DCC's position is that the existing designation is a more appropriate approach to protect the site. When assessed against the stated purposes from the NP for the LGS – the LGS designation is not necessary. These being: <ul style="list-style-type: none"> To 'protect the site from development'; <ul style="list-style-type: none"> The whole of Observatory Hill LGS adequately and suitably protected by its existing designations and there is no additional local benefit to including the land as LGS. The site area represents an 'extensive tract of land' in direct conflict with the provisions of the NPPF. LGS is an 'exceptional' designation and should not be used as a broad brush approach or a back door way of securing Green Belt protection status on sites. In this instance, the imposition of LGS will conflict directly with the aims of national guidance and unnecessarily restrain sustainable development and economic investment; such a designation is unlikely to endure beyond the plan period in direct conflict with policy. The extent of the site, as now proposed, is 'extensive' and contrary to the NPPF. For its 'importance to the community': <ul style="list-style-type: none"> The sites are already adequately and suitably protected and that its importance to the community is not demonstrably more important to the community than other areas of open space around the city. In addition they are not demonstrably special or of particular local significance. 		<p>The University argues that the area is already "adequately and suitably protected by its existing designations". They also say that LGS designation will "unnecessarily restrain sustainable development". Therefore it is clear that the University considers that the existing designations would allow for sustainable development.</p>
<p>L6b /cont (xxxv) The case for designation as Local Green Space in the context of the NP purposes for inclusion as well as the NPPF and PPG has not been sufficiently made and the proposed designation should be withdrawn.</p>	<p>c3. Removal of Observatory Hill Local Green Space</p>	<p>For reasons given above in L6a and L6b no action.</p>

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