

20 January 2020



Regeneration and Local Services,
Spatial Policy Team,
Room 4/24,
County Hall,
DH1 5UQ

Tom Baker, Associate Director
E: tom.baker@savills.com
T: 0191 323 3144

'Sent via email:
<mailto:spatialpolicy@durham.gov.uk>

71 Grey Street, Newcastle upon Tyne, NE1 6EF

Dear Sirs,

Durham City Neighbourhood Plan

We write to you on behalf of our client, the Dean and Chapter of Durham Cathedral (hereby referred to as Durham Cathedral), in response to the Regulation 16 Draft of the Durham City Neighbourhood Plan (DCNP).

Our concerns centre on the designation of 'Observatory Hill' (Policy G2.2A and G2.2C) and 'River Wear Corridor' (Policy G2.1) as Local Green Spaces. We have made representations several times over the last two years and have met with the DCNP steering group and wish to reiterate our concerns again, formally, within this Regulation 16 Consultation.

Policy G2 – Local Green Spaces

Objection

Policy G2 of the Regulation 16 DCNP states that "*Green spaces within Our Neighbourhood that are of significant environmental, landscape or historical value are designated as Local Green Spaces*". Policy G2 goes on to designate several areas of open space as 'Local Green Space' in the DCNP.

Whilst we do not contest that Local Green Space designations can protect area of environmental, landscape or historical value, it is considered that proposed Local Green Spaces should be identified with extreme care and that such proposed designations should be made in tandem with landowners to ensure that the proposed designation does not adversely impact on the proper working of the land. 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 to do so.

Durham Cathedral owns several parcels of land within Durham City and their land ownership includes land north of Potters Bank (referred to as Observatory Hill) and land around the River Wear (referred to as River Wear Corridor). Over the last two years, these areas have been identified by an increasing large area of Local Green Space in the emerging DCNP.

Whilst we do not object to preserving and enhancing existing natural green spaces in the City we do object to the proposed allocation of Observatory Hill and the River Wear Corridor being allocated as a Local Green Space in the DCNP.

Justification

Durham Cathedral acknowledges that Observatory Hill and the River Wear Corridor are important areas of Green Infrastructure. Both areas are protected for their historic importance by virtue of their location in the Durham City Conservation Area and are proposed to remain so in the emerging County Durham Local Plan. The significance, character, appearance and setting of the Conservation Area will therefore be preserved.

The Planning Practice Guidance advises that where land is already protected by a designation, such as Green Belt or Conservation Area for example, consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space. The DCNP itself identifies Observatory Hill and the River Wear Corridor as being within both the inner bowl of the World Heritage Site (WHS) and the Durham City Conservation Area. The boundaries of the WHS (as well as the proposed WHS extension) were meticulously researched, reflect the history, significance and physical boundaries of the riverbanks and were agreed by major landowners. Observatory Hill is an elevated site that makes it very visible from the WHS and it contributes to its green and rural landscape setting. The sites are included in City of Durham Local Plan saved policy E5 on protecting open spaces within Durham City and the emerging County Durham Local Plan identified the site as an 'Area of High Landscape Value'. The River Wear Corridor is designated within the extant City of Durham Local Plan and the emerging County Durham Local Plan as a Local Geological Site and wildlife corridor.

Further to this, there are Public Rights of Way which cross the Observatory Hill and the River Wear Corridor providing legally protected public footpaths and access.

The land is therefore already afforded extensive protection in terms of its historic, landscape, ecological, geological and recreational importance, by virtue of its setting within the WHS and Conservation Area and extant and emerging Local Plan allocations. The proposed extra level of designation is considered to be superfluous and overly onerous considering the current policy position and existing use of the land.

When read in the context of the policy position and the DCNP's stated purpose of designating Local Green Spaces, it is considered that this additional allocation would provide no additional local community benefit but only lead to confusion and adverse impact on the working of the land.

Much of the subject land within the ownership of Durham Cathedral is currently subject to a farming tenancy and is therefore subject to farming practices. The site therefore accommodates livestock at times and also is subject to farm vehicle movement. The proposed Local Green Space allocation, as part of the DCNP, could lead to unauthorised access and activities across these private fields. Whilst it is acknowledged that there are some existing Public Rights of Way throughout, which we do not object to, this does not mean that the public stray on such land when walking their dogs etc.

Trespass is a Health and Safety risk to the public and unauthorised access, which may increase due to the proposed Local Green Space designation, could be a potential Public Liability issue for both the tenant of the land and our client as the landowner.

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

It is considered that the neighbouring land uses to this site have not been considered in detail by the DCNP or Neighbourhood Forum. As set out above, Local Green Spaces would be afforded special protection against development for green areas of particular importance to local communities. However, it is considered that future expansion associated with the existing neighbouring land uses have not been considered. For example, Durham School, an successful and popular independent co-educational day and boarding school (for children aged 3-18 years old) is located to the north of the proposed designation. As the neighbouring land user, it is vital that there is future development potential to expand the school if there is ever a need. A Local Green Space designation would hinder such important expansions.

To the east of the site (east of Footpath 24), is the existing private Chorister School Playing Field, which again needs consideration with regard to its future use / expansion. 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 on benefit to the community, and cannot see any advantage in the DCNP's intention to stop further improvements being made or at least reduce the flexibility to offer further improvements should they be needed.

It is therefore respectfully proposed that the Local Green Space designation at Observatory Hill is deleted to provide the flexibility needed for the site's proper management (in terms of both existing and potential future uses). Furthermore the River Wear Corridor Local Green Space allocation is superfluous and should be likewise removed. These Neighbourhood Plan's Local Green Space policies do not have adequate regard to national planning policy and guidance nor do they contribute to the achievement of sustainable development.

They therefore fail the basis conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The plan must be amended before it can be sent for referendum and made.

Kind regards

Tom Baker MRTPI
Associate Director