



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

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

**PROOF OF EVIDENCE
OF DAVID SPARKES ON BEHALF OF
DURHAM COUNTY COUNCIL**

(HERITAGE)

27 NOVEMBER 2020

1	INTRODUCTION AND SCOPE OF EVIDENCE
2	RELEASE LAND
3	REPLACEMENT LAND
4	SUMMARY AND CONCLUSIONS

1 INTRODUCTION AND SCOPE OF EVIDENCE

- 1.1 My name is David Sparkes. I am employed by Durham County Council as a Principal Design and Conservation Officer. I have held this post since 2011. My duties are primarily managing a specialist team providing advice with regards to the historic and built environment primarily as part of the development management and regeneration functions.
- 1.2 I have the following qualifications: BA (Hons) Architectural Studies, B Arch (Hons)
- 1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.
- 1.4 My evidence concerns the application for deregistration of part of common land at The Sands, Durham.
- 1.5 My evidence will address the heritage significance of the release land, the replacement land (including alternatives) and the impact on significance on the said parcels of land should the release be granted.
- 1.6 I refer to the following documents, photographs, and plans:
- Durham City Conservation Area Character Appraisal dated 29 July 2016 [Document 7i]
 - Historic England's Conservation Principles, Policies and Guidance (2008) [Document 7ii]

2 RELEASE LAND

- 2.1 The release land in question presents itself as a piece of urban fringe utility space associated with transport infrastructure having been a coach park since 1995 when it became an extension to municipal car park, (with agreement to this use having been formalised in 1985). Historically the land in question facilitated a mill race but the land in question would appear to have been disaggregated from the remainder of The Sands approx. 80 years ago when it was used as an ordnance depot during WW2.

- 2.2 The site is within the boundary of Durham City Centre Conservation Area, within Character Area 2, Framwellgate.
- 2.3 Durham City was designated as a conservation area on the 9th August 1968. The original conservation area boundary concentrated on the historic core of the city but did not include the larger areas abutting the Medieval core. The Sands area including the site in question was not part of this designation.
- 2.4 Subsequently on the 25th November 1980 the conservation area boundary was significantly enlarged to incorporate a much wider section of the city centre encompassing the pre1900 expansion of the city and the majority of the natural 'bowl' (the upper slopes of which present a largely rural backdrop to views of Durham Cathedral), the important green wedges of open countryside and other significant green spaces which contribute to and enhance the setting of the historic buildings and the city as a whole including the Sands area and the release site in question. There was no conservation area appraisal produced at this time.
- 2.5 In July 2016 the conservation area boundary was amended, and a Conservation Area Character Appraisal adopted by the County Council including assessment of the significance of The Sands and referencing the site in question. Whilst the site is within the Conservation Area there are no designated or non-designated heritage assets within the site boundary.
- 2.6 The adopted Conservation Area Character Appraisal (2016) notes The Sands as being a key landscape feature that affords an important contribution towards the setting of the World Heritage Site (WHS) and heritage assets within the city centre:

“The Sands area itself is a significant area of open space that extends effectively into the landscaped grounds of the Sixth Form College and the wild spaces within the churchyard of St Nicholas. These elements drawn together create an evolving and characterful environment of high landscape value that have significant interest and are extremely important in terms of backdrop and setting to the Cathedral and the city centre. From within this part of the character area, a number of magnificent views and vistas can be obtained of the river and the cathedral. It is the sub-character area's unique topography, landscape and landmark buildings that creates a historic environment of high significance. (p.132)”

2.7 However, in contrast to this the appraisal notes that the coach park is effectively screened by trees which have visual amenity value. (p.126), implying that the Coach park (Release Land) does not contribute positively to setting.

2.8 In terms of its significance the appraisal also identifies the importance of the communal values of The Sands:

“The open extensive grassland of The Sands provides informal footpaths to the riverbanks...which is used by dog walkers, local residents and the occasional visitor with anglers regularly be seen on the riverbanks. The Sands is used for informal recreational and other activities and the Freeman of the City (the Trustees of The Sands) allow various organised events occasionally throughout the year, e.g. funfairs and circuses. Westwards from The Sands, the riverbanks become more formal with the busy Sands car park and coach park fronting onto the narrow banks. (p.129)”

2.9 The importance of the setting of The Sands to the historic city centre and WHS are identified in the appraisal, as are the social and communal values of The Sands. However, the document also identifies a clear distinction between the open, extensive, and informal grassland of The Sands and the more formal parking areas beside the riverbank. As such the significance as noted above can be seen to relate to the open space of The Sands rather than the defined formalised areas to the west of which no mention is made in terms of aesthetic or communal value.

2.10 The Table below summarises an assessment of the site against the conservation principles outlined with Historic England’s Conservation Principles, Policies and Guidance (2008)

Heritage Values		
Based on Historic England’s <i>Conservation Principles, Policies and Guidance</i> (2008)		
Evidential value	<i>the potential of a place to yield evidence about past human activity.</i>	Refer also to Archaeology Evidence. There has been only limited development on the site, based on a study of map regression, likely due to the riverside flood-plain location and presence of the mill race. Historically, the development of

		Durham was based on the peninsula and surrounding higher land above the river. Consequently, there is very limited evidential value associated with this site.
Historical value	<i>the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.</i>	There are no heritage assets (designated or non-designated) within the site boundary. Whilst map regression identifies historical small-scale developments on this site no visible evidence of these remain. Therefore, there is no historical value to the site in its current form.
Aesthetic value	<i>the ways in which people draw sensory and intellectual stimulation from a place.</i>	Disaggregated from the sands and screened from the East by trees the site has been used as a surfaced car/coach park for a number of years (see above) and would continue to serve the same purpose. The present usage provides no positive contribution in terms of any aesthetic value/quality. The contribution it affords to the character and appearance of the conservation area in terms of its aesthetic qualities would remain the neutral.
Communal value	<i>the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.</i>	The site may be identified as common land, however it has limited communal purpose other than for public parking and access. There is a clearly legible distinction between this formal site and the informal open space of the Sands to the east which has served as a distinct social space for public events and recreation.

2.11 Based upon the assessment of criteria of significance supported by information within the Durham City Conservation Area Appraisal, in heritage terms the release land in question possesses minimal significance. The lack of historic development on the site limits the evidential and historic value, whilst the current and proposed use for vehicle parking delivers no aesthetic

value. The communal values of The Sands relate to the clearly distinct open landscape to the east rather than to the site in question.

2.12 The Heritage impact on the Release Land if the application is granted has technically been assessed and considered as part of the Planning Permission for the new HQ which has been granted and is lawful. It was obtained in accordance with the relevant statutory procedures involving consultation with Historic England.

2.13 The land use/development within the release land remains generally the same (Vehicular Parking). As such the impact on this section of land could be considered negligible being equal to the impact/contribution to setting and significance of the existing land use.

3 REPLACEMENT LAND

3.1 The replacement land identified is that of Land east of the Rivergreen Centre, Aykley Heads.

3.2 The proposed Replacement Land is not within the Durham City Centre Conservation Area and contains no designated or non-designated heritage assets. Any significance in heritage terms could be considered in that of landscape/ setting to the Durham City Conservation area when approached from the Main Line East Coast. Refer to Landscape Evidence also.

3.3 Should the application concerning the Replacement Land be granted there would no impact on Heritage significance.

3.4 When considering the alternative sites identified within The Sands Replacement Common Land Report dated August 2018 the sites identified contain no designated or non-designated Heritage Assets.

- Land south of Springfield Park, Flass Vale - Within Conservation Area
- Land south west of Flassburn Road – Small Section within Conservation Area
- Land south of St Giles - Within Conservation Area
- Land at Aykley Wood, Aykley Heads – Small Section within Conservation Area
- Land at providence Row, Durham – Not within Conservation Area

- 3.5 Any contribution to Heritage would be through setting/Historical land use or providing visual amenity having negligible Heritage significance individually.

4 SUMMARY AND CONCLUSIONS

- 4.1 The Release site contains no designated or non-designated heritage assets. When assessed against Historic England's Conservation Principles criteria in heritage terms the release land in question possesses minimal significance.
- 4.2 Should the application be granted, the impact on this section of land could be considered negligible being equal to the impact/contribution to setting and significance defined by the existing land use
- 4.3 The proposed Replacement Land is not within the Durham City Centre Conservation Area and contains no designated or non-designated heritage assets. Any significance in heritage terms could be considered in that of landscape/ setting to the Conservation Area.
- 4.4 Should the application concerning the Replacement Land be granted there would no impact on heritage significance.