



**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
GED LAWSON ON BEHALF OF DURHAM
COUNTY COUNCIL**

(Landscape & Visual Effects)

27 NOVEMBER 2020

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1 INTRODUCTION AND SCOPE OF EVIDENCE

- 1.1 My name is Gerard Lawson and I am employed by the Council as a Principal Landscape Officer. I have held this post since 2011. My duties are primarily related to landscape planning and landscape design. I have over 30 years experience in those fields.
- 1.2 I have a BA (hons) in English and American Studies and an MLD in Landscape Design. I am a Chartered Member of the Landscape Institute (CMLI).
- 1.3 I understand my duty as an expert witness to the Inquiry and I have complied with and continue to comply with that duty. The evidence which I have prepared and provide for this inquiry is true. I confirm that the opinions expressed are my true professional opinions.
- 1.4 My evidence concerns an application for the deregistration of part of common land at The Sands, Durham, plus proposed Replacement Land.
- 1.5 My evidence will address the landscape and visual effects of the proposals.
- 1.6 I make reference to the following documents, photographs and plans:
- County Durham Landscape Character Assessment, County Durham Landscape Strategy, County Durham Landscape Value Assessment, landscape designations: extracts and plans [Document 2i]
 - OS Historic Maps 1860 – 1994 [Document 6vi]
 - Car Park Layouts [Document 1ix]
 - The Sands - replacement Common Land report August 2018 [Document 13]

2 RELEASE LAND

Landscape character/ designations of the Release Land

- 2.1 The County Durham Landscape Character Assessment (CDLCA) (2008) identifies the Release Land as lying within the *Wear Lowlands* County Character Area which forms part of the larger *Tyne & Wear Lowlands* National Character Area (NCA 14). It lies within that part of the urban area of Durham City falling within the *Northern Wear Valley* Broad Character Area which belongs to the *Incised Lowland Valleys* Broad Landscape Type. It lies within a tract of land identified as Local Landscape Type *Urban* and Local

Landscape Subtype *Urban*. Relevant extracts of the CDLCA and maps showing landscape types and character areas are given in Document 2i.

- 2.2 The Release Land lies on the narrow floodplain of the river Wear at the point where the river leaves the built up area of the city. It currently forms part of the construction site for the new County Council headquarters. Historically the land formed part of the wider common of The Sands, open land on the floodplain haughs crossed at that point by a mill race. The land was enclosed in the mid C20th century for use by the military, initially south of the mill race and then northwards across it when the race was filled in. Historic maps of the site are contained in [Document 6vi]. Prior to current construction activities it was in use as a coach park from the mid 1990's, forming part of a larger municipal car park. The coach park was comprised largely of surfaced hard standing. The southern edge of the land was formed by a narrow strip of soft landscape containing the remnants of an out-grown hedge, largely made up of young mature beech trees and sporadic low shrubs, and also containing a litter bin and signage. The western edge of the site was formed by a narrow strip of soft landscape containing a row of young mature trees and shrubs of mixed species and the remains of a timber fence.
- 2.3 The land is currently occupied by site cabins and associated operational parts of the construction site. Beech trees along the southern edge have been removed and a site security fence / hoarding erected to the boundaries.
- 2.4 To the east of the Release Land lies the open amenity grassland of The Sands bounded to the north by the River Wear. A band of young trees have recently been planted adjacent to the release land by the Parish Council and community volunteers. To the north lies a small area of broadleaved woodland crossed by an informal footpath on the edge of the river. To the west lies the construction site of the new Durham County Council headquarters. To the south lies car parking within the grounds of the Durham 6th Form Centre.
- 2.5 The Release Land is not covered by any national or local landscape designations. Land to the east and north is defined as Area of Higher Landscape Value in the County Durham Plan. This is shown on plan in [Document 2i].

- 2.6 The land is identified as *Developed* in the County Durham Landscape Strategy (2008) [Document 2i]. As urban land it was not assessed as part of the County Durham Landscape Value Assessment (2019).

Landscape impact on Release Land of deregistration

- 2.7 De-registration would not give rise to any specific adverse effects on the landscape assessed against the baseline of the current and recent character of the release land and its future character when redeveloped as a car park as part of the consented development. The effect of de-registration in itself would be neutral.
- 2.8 The development of the County Council headquarters currently underway entails the redevelopment of the former coach park as a car park of similar extent and character [Document 1ix]. The line of young mature beech trees in the outgrown hedge on the southern boundary have been felled. This was an unsustainable feature in this location, and it is likely that a similar intervention would have been required at some point in the future if the site had not been developed. On the completion of development that feature will be replaced with a mixed species hedge containing a row of semi-mature (5-7m) lime trees. The line of young mature trees on the eastern boundary of the site is yet to be removed. While the planning permission provides for the removal of these trees this has been deferred pending more detailed investigation of the extent and finished levels of the car park which may allow some individuals to be retained. Subject to any changes of that nature, on the completion of development that feature will be replaced with a mixed species hedge containing a row of semi-mature (5-7m) aspen, birch and lime trees. A multi-stemmed beech at the junction of the two boundaries will be retained within an area of soft landscape planted with groundcover. Two semi-mature (5-7m) lime trees will be planted in a short section of mixed species hedge within the car park towards the edge of the Release Land. Trees have been felled to the immediate west of the Release Land and some additional trees will be felled to the north on the edge of the woodland. These impacts fall outside of the release land. A water storage tank will be located in the north-eastern corner of the site. This would be a relatively simple structure 3m in height and clad in timber.
- 2.9 I would assess the sensitivity of the Release Land to that development as being low-medium having regard to both its former use as a coach park and

the maturity of the existing / pre-existing boundary vegetation. I would assess the effects of the development on the Release Land as being of a medium magnitude (moderate significance) in the short term having regard to the construction of the water tank and both the potential loss of maturity in existing vegetation and its replacement with more considered boundary landscape treatment and trees planted at larger stock sizes. The effects would diminish progressively as planting matured, with boundary hedges screening parked vehicles and tree canopies increasing in size. I would expect the overall effect of the development taken in the round to be neutral (no significance) within around 10 years. These effects are those of the approved development: the effects of de-registration, as noted above, would be neutral.

- 2.10 De-registration could affect future decisions about how the land was managed or developed, and those decisions could affect its character. I can't assess these at this time as the nature and timing of any effects arising either from de-registration or from the land remaining as common are unknown.

Landscape impact on the rest of The Sands if the Release Land is de-registered

- 2.11 There would be no direct effect on the character of the remaining part of The Sands if the release land was de-registered. The Release Land has been enclosed for a long period, its current boundary dating back to at least the 1960s [Document 6vi], and during that time it has read as being separate from, and of different character to, the open land of The Sands. While there would be some changes to the Release Land arising from the development currently underway as detailed above, there would be no change in its general character or its relationship with the remaining part of The Sands.

Visual receptors for the Release Land and The Sands

- 2.12 The Release Land sits low on the river floodplain and doesn't figure strongly in wider views of the city or its surroundings. It is visible at close quarters from Freeman's Place and from school buildings and grounds to the immediate south. It is visible, though partly screened (summer) or filtered (winter) in shallow views from the amenity open space of The Sands to the east and from the roads and housing areas along its southern edge. It is visible from Framwellgate Waterside (Weardale Way), the Radisson Hotel and Penny Ferry Bridge to the west in shallow views across the wider construction site. Views from the north from Lower Sidegate and Frankland Lane (Weardale Way) are largely screened (summer) or heavily filtered

(winter) by woodland to the north of the car park and bank-side vegetation. It is visible in some views from higher ground to the north – including from sections of the East Coast Main Line – largely screened (summer) or heavily filtered (winter) by the woodland to the north. Views from elsewhere in the immediate locality are generally obscured by intervening buildings and vegetation.

2.13 The visual environment of the wider common land of The Sands is similar. It is visible at close quarters from the road and housing along its southern edge, from the bottom of Providence Row and St Nicholas' cemetery to the south. It is visible from the eastern end of Freeman's Place to the west. It is visible from Lower Sidegate and Frankland Lane (Weardale Way) on the opposite bank of the river in views partially screened (summer) or filtered (winter) by bankside vegetation. It is visible in some views from higher ground to the north – including from sections of the East Coast Main Line – partly screened (summer) or heavily filtered (winter) by intervening trees and woodland. Views from elsewhere in the immediate locality are generally obscured by intervening buildings and vegetation.

2.14 The visual environment of the area is changing with the construction of the County Council headquarters building and associated multi-storey car park. The headquarters building will further obstruct views of the Release Land in views from Framwellgate Waterside and the Radisson Hotel. The multi-storey car park will obstruct or narrow views of the Release Land in views from areas south of The Sands. The removal of vegetation along the boundaries of the Release Land will result in more open views into the area from the east. These views will become progressively screened (summer) or filtered (winter) as newly planted hedges and trees (within and adjacent to the site) establish and mature.

Visual effects on Release Land of deregistration

2.15 Deregistration of the Release Land would not give rise to any specific adverse visual effects assessed against the baseline of its current or recent visual appearance, and its future appearance when redeveloped as a car park. The effect of de-registration in itself would be neutral.

2.16 The release land is currently a construction site which has some short term adverse effects on visual amenity. On completion of development the Release

Land will be a car park of similar character to the previous coach park. Some attractive attributes will have been lost – and in particular young mature vegetation to the southern and eastern boundaries. The new car park will include attractive new landscape features including hedges and semi-mature trees. It will, for a period, be more visually open than its previous condition in views from the east due to the removal of boundary vegetation allowing views of parked vehicles. Hedgerows established on the site boundaries would be expected to substantially screen vehicles in the car park in those views within 5 years. Views from Freeman’s Place were more open in the past and new hedges will screen the interior of the car park more effectively in that view within the same time frame.

- 2.17 I would assess the sensitivity of visual receptors in the area – residents, pedestrians, cyclists and users of recreational open spaces - as being high.
- 2.18 For pedestrians on Freeman’s Place the effect on visual amenity would be of a medium magnitude in the short term becoming a medium positive effect within 5 years due to the enhanced screening of the parking area. Having regard to the duration of the impacts I would assess the overall effect as being neutral (not significant).
- 2.19 For recreational users of The Sands the effect on visual amenity would be of a low-medium magnitude in the short term becoming neutral within around 5 years. There would be increased visibility of vehicles in the car park during those early years but as a relatively small element in the view from much of the area and seen against the backdrop of the new headquarters building. Having regard to the duration of the impacts I would assess the overall effect as being low (moderate significance).
- 2.20 For residents along the southern edge of The Sands the effect on visual amenity would be low falling to negligible. There would be some increased visibility of parked vehicles in the early years but as a very small element in the view. Having regard to the duration of the impacts I would assess the overall effect as being low / negligible (slight significance).
- 2.21 For pedestrians using Framwellgate Waterside, Penny Ferry Bridge, the Lower Sidegate, and Frankland Lane, and for residents of the Radisson Hotel the effect on visual amenity would be very low or negligible due to the screening effects of buildings and vegetation. This would not change notably

over time and I would assess the overall effect as being low / negligible (slight significance).

- 2.22 As noted above de-registration could affect future decisions about how the land was managed or developed, and those decisions could affect its appearance. I can't assess these at this time as the nature and timing of any effects arising either from de-registration in the longer term or from the land remaining as common are unknown.

Visual impact on rest of The Sands if Release Land de-registered

- 2.23 As noted above (2.19) I would assess the effect of the consented development on the visual amenity of recreational users of The Sands as being low (moderate significance). The effects of de-registration in itself would be neutral.

3 REPLACEMENT LAND

Landscape character/designations of Replacement Land

- 3.1 The County Durham Landscape Character Assessment (CDLCA) (2008) identifies the Replacement Land as lying within the *Wear Lowlands* County Character Area which forms part of the larger *Tyne & Wear Lowlands* National Character Area (NCA 14). It lies within the *Northern Wear Valley* Broad Character Area which belongs to the *Incised Lowland Valleys* Broad Landscape Type. It lies within a larger tract of land identified as Local Landscape Type *Parks and recreation grounds* and Local Landscape Subtype *Playing fields and urban green spaces*. Relevant extracts of the CDLCA and maps showing landscape types and character areas are given in [Document 2i].
- 3.2 The Replacement Land lies on the northern slopes of the incised valley of the River Wear. It forms part of a wider tract of former farmland lying between the employment land of Aykley Heads and housing at Aykley Woods and the east coast main line which is managed for nature conservation. The site is made up of grassland in a single parcel, defined by fences.

- 3.3 To the south and west of the site lies a surfaced multi-user route. To the north and east lie areas of conservation grassland, woodland and scrub crossed by unsurfaced permissive footpaths.
- 3.4 The Replacement Land lies within an area identified as Area of Higher Landscape Value in the County Durham Local Plan. It is also Green Belt. This is shown on plan in [Document 2i].
- 3.5 The land is identified in the County Durham Landscape Strategy (2008) as lying within a *Landscape Conservation Priority Area* with a strategy of *conserve and enhance*. This is shown on plan in [Document 2i]. The value of the landscape was assessed as part of the County Durham Landscape Value Assessment (2019). The larger assessment unit it forms part of (12c vii Aykley Heads and Frankland) was assessed as having elevated values across the majority of attributes assessed. This is shown on plan in [Document 2i].

Landscape effects on Replacement Land if registered common

- 3.6 The registration of the land as common would have no effect on the landscape of the replacement land which would retain its character as open grassland.

Visual effects on Replacement Land if registered common

- 3.7 The registration of the land as common would have no effect on the visual characteristics of the replacement land which would retain its appearance as open grassland.

Alternative sites considered from landscape/visual impact perspective

- 3.8 Five alternative sites were considered and appraised in respect of their potential landscape and visual effects. These are shown in [Document 13].
- 3.9 Site 1: Land south of Springfield Park Flass Vale. The site is an area of young woodland (<50 years old) that has naturally colonised a shallow valley in the head of Flass Vale. It was anticipated that to facilitate grazing the woodland would need to be removed. This was assessed as being likely to be harmful unless undertaken as part of a conservation management plan for the wider vale and supported by the Friends Group managing Flass Vale.

- 3.10 Site 2: land south of Flassburn Road. The site is similar to the above but some of the trees are covered by a long standing TPO: their removal was assessed as being particularly harmful.
- 3.11 Site 3: land south of St Giles. The site is an area of mature woodland in a dene adjacent to ancient woodland. While not shown itself on the inventory of ancient woodland OS map regressions suggests it has always been woodland or wood-pasture. It was anticipated that, to facilitate grazing, woodland would need to be cleared. This was assessed as being potentially very harmful.
- 3.12 Site 4: land at Aykley Wood, Aykley Heads. The site is an area of scrub that has colonised abandoned grassland. It was anticipated that to facilitate grazing the established scrub would need to be cleared. This would entail some adverse landscape and visual effects. The site lies in an area being actively explored for other potential uses as part of the development of a masterplan for the Aykley Heads employment site and it was considered prejudicial to this to remove the vegetation or fix the use of the land as grazing at that time.
- 3.13 Site 6: land at Providence Row, Durham. The site is an area of riverbank of similar character to the riverbanks of The Sands located around 800m downstream on the same side of the river. It is currently unmanaged grassland with thinly scattered trees and scrub. It was considered the most appropriate 'like for like' replacement in landscape terms given its location and character. Registration as common land would not be likely to entail any adverse landscape of visual effects.

4 SUMMARY AND CONCLUSIONS

- 4.1 The Release Land has been enclosed since the mid C20th. Its current boundary with the remainder of the common has been in place since that time. The land was in use as a coach park since the mid 1990s, forming part of a larger municipal car park, since when it has formed part of the site for the new County Council headquarters.
- 4.2 The development of the new County Council headquarters provides for the retention of the area as car parking of a similar layout and general character. While that development will entail some adverse effects on landscape

character in the short term, primarily occasioned by the removal of boundary vegetation, in the medium and longer term the effects will fall to neutral as new boundary features mature.

- 4.3 In the context of the current and recent character of the land, and its future character when redeveloped as a car park, the effects of de-registration in itself on the character of the landscape of the release land and the remaining part of the common would be neutral.
- 4.4 The Release Land lies on low ground. It doesn't figure strongly in wider views of the city but is viewed at close quarters from sensitive receptors including users of nearby roads, footpaths, public open space and nearby residents.
- 4.5 The re-development of the coach park as a car park would result in some localised and temporary adverse visual effects, occasioned by the loss of existing vegetation and the exposure of parked vehicles, which would reduce as new planting matured. These effects are assessed as ranging from negligible to low.
- 4.6 In the context of the current and recent visual characteristics of the land, and its future appearance when redeveloped as a car park, the effects of de-registration in itself would be neutral.
- 4.7 The Replacement Land is currently open grassland managed for nature conservation. The registration of the land as common would have no effect on its features, character or visual appearance.