

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 JEAN CROWDEN (OBJECTOR).

1. My name is Jean Crowden
2. I have a degree from St Andrews University MA in Mediaeval History
3. I qualified as a Solicitor in England, and was admitted in 1962
4. I have worked in private practice, then for thirteen years was Solicitor to Sedgefield District Council, and then worked again in private practice with a firm of commercial lawyers retiring in 1990.
5. My objections are based in two areas:
 - a) the legality of the application
 - b) the application's merits.
6. During lock-down I have lost all my I T connections, and so in respect of the legality if this application, I am obliged to rely on those points which I have already made.
7. I am proud to have been born in the County of Durham, in a village called Horden. At the time of the 1939-45 war, this village was the site of the largest coal mine in England, together with a huge coke works. A sulphurous haze hung over the village, so bad that the rain water dripping from the telephone wires at the army drill hall, created sulphuric acid which left a burnt line across our back garden.
8. It is no surprise then that post war, our favourite day out was a bus trip to Durham, and a visit to Icy Smith's ice rink, which was on the river bank by The Sands. It was the highlight of our week, whizzing round to the woody wood peckers song in an old tin hut.
9. Afterwards we would meet our father on his one afternoon off a week for a walk along the Sands Father always met someone he knew, doing just what we did, enjoying a walk along the river bank'

10. It was then a proper river bank with birds and grass and trees. Not at all like the hideous monstrosity of concrete which now butts out into river under the new County Hall.
11. A lovely walk along the riverbanks, a world away from our usual smog.
12. A breath of the country in the middle of the town, easily accessible from the bus stops.
13. And all this was there for us because it was Common Land.
14. These regular visits to Durham created in my a lifelong love of, and interest in all things mediaeval, and I was fortunate enough to go to study Mediaeval History under the charismatic Professor Lionel Butler.
15. On taking articles of clerkship with the late Richard Reed, the first planning matter in which I was involved, was the preparation of the case for objectors to the proposals to create a new County Hall and in so doing to demolish a large number of ancient buildings including the unique Palatinate Court, then run by the redoubtable Mr Hudspith. What a tragic loss to Durham, and how ironic to find myself involved once again in matters of historic interest.
16. From the outset, I have been puzzled as to how the council came to be making a retrospective application for consent,
17. As a former legal adviser to a Council, I cannot envisage any circumstances in which I would advise a Council to proceed with a contract for work valued at £50 million pounds, without clearing all the legal encumbrances, and yet this is what Durham County Council has done. Either the Council acted in ignorance of this encumbrance, or they did not consider it essential to eliminate prior to construction, From the Council's evidence, it would appear that it knew of the commons status, and so it evidently was not considered essential. Why then is this application being pursued?
18. In the middle ages Rights of Common emerged as a matter of life and death for ordinary people. Land was held in the open field system together with rights of common.
19. As the importance of sheep rose in the mediaeval economy, powerful local land owners began to enclose land in their ownership. This led to a multiplicity of peasant revolts, and the growing importance of rights of Common. The protection of these rights was, and has been, a very important factor in limiting the power of robber barons and an overzealous Church.

20. It was essential for existence to those at the bottom of the pile, the ordinary people.
21. What saddens me most, is that not one of the Council's witnesses, even mentions this.
22. This Council employs well-educated, highly paid professionals, who appear to be wholly unaware of the historic importance of the survival of these rights. The only historic reference is to the 1850s. Well in my view life did not begin in the nineteenth century.
23. For centuries these historic rights have been gradually eroded by the land owning classes, and have survived at all, only thanks to the tireless watchful eyes, of such bodies as the Durham Freeman. They are the guardians of our historic past.
24. The irony is that in Durham we have an outstanding World Heritage Site. The local authority should be the guardians of this site and its environs which such matters as The Rights of Common.
25. That the local authority should even be considering reducing the rights of the common man, seems to me incomprehensible. The local authority ought to be in the vanguard of the protection of such rights of the common man.
26. As for the replacement land, it in no way meets either my needs nor my walking capacity, When I visit Durham it is use our indoor market and go for a walk either up to the Cathedral or the Sands.
27. The proposed site, across the river, under or over the railway, and uphill. I would never be fit enough to use it.
28. I strongly urge you to reject this unnecessary application.