



**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**

**REBUTTAL PROOF OF EVIDENCE OF HENRY  
JONES ON BEHALF OF DURHAM COUNTY  
COUNCIL**

**23 April 2021**

## **1. INTRODUCTION**

1.1 My name is Henry Jones and I am employed by the Council as a Principal Planning Officer on the Strategic Planning Team. I have held this post since February 2018. The Strategic Planning Team covers largescale major development proposals such as non-residential development on sites in excess of 2ha, residential developments of 100 dwellings or more, minerals and waste development, major renewable energy schemes and major transport and infrastructure proposals. My duties primarily involve the handling of largescale major residential and non-residential built development schemes whilst managing the duties of a team of four senior planning officers within the team.

1.1 This Rebuttal Proof is prepared in response to the Objector's Statement of Case and witness proofs.

## **2. REPLACEMENT LAND**

2.1 At paragraph 5.2 of Philip Will's Proof he states:

*"There is the issue of noise for residents close to the site to be considered too."*

2.2 I have considered the potential noise impacts of the use of the Replacement Land for the purposes of grazing. I consider that there are a number of factors which mitigate the potential for any adverse noise impact to occur as a result of this.

2.3 Firstly, the effect of applications and proceedings under the Commons Registration Act 1965 was, amongst other things, to record the right of common of the Trustees and Wardens of the Freemen to graze 20 cows, 50 sheep, 10 goats and 10 horses over the whole of The Sands. Pro rata, the registered right of common equates to a right to graze 6 animals on the Release Land. The number of animals which would graze on the Replacement Land given its size would not be significant. Animals vocalise more when they are within buildings or undergoing some stress rather than grazing. Poultry would not be kept on the Replacement Land – cockerels, for instance, can cause noise disturbance when kept close to residential property.

2.4 Coupled with the nature of the use of the land, the distances to residential property, physical/landscape features on land in the immediate area and the existing background noise climate would all assist further in mitigating any potential for noise

impact. The nearest residential properties to the Replacement Land are those at Maddison Court. Maddison Court forms part of a recent residential redevelopment, formerly the location of the Durham Constabulary HQ. Of these properties, No. 22 Maddison Court is in closest proximity to the Replacement Land. The rear curtilage of No. 22 is located 32m from the Replacement Land at the nearest point and the rear elevation of the dwellinghouse itself is located 40.4m away.

- 2.5 The curtilages of the nearest properties on Maddison Court are enclosed by timber fencing of approximately 1.8m in height. Those on the southern side of Maddison Court have a landscape batter/bund which abuts their southern curtilage. On intervening land between Maddison Court and the Replacement Land there are areas of trees and hedgerow. Such features are depicted in photographs in Appendix A of this rebuttal.
- 2.6 Furthermore, I consider that there are aspects of the existing noise climate which would further mitigate the potential for the noise from grazing animals to pose any additional impact. In the vicinity of properties on Maddison Court closest to the Replacement Land, noise from passing trains on the east coast mainline (400m east of the rear curtilage of 22 Maddison Court) is frequent and pronounced, noise from passing vehicles on the carriageway in the vicinity of Maddison Court, Woodward Way and the Rivergreen Centre is noticeable. Maddison Court is adjacent to well-used pedestrian and cycle footways. Given the number of trees in the local area, birdsong is also noticeable in the existing noise climate.
- 2.7 In conclusion, taking into account the nature of the proposed use of the Replacement Land and the limited scale of grazing which could occur, the distances involved to the nearest residential properties, the presence of physical and landscape features and the existing noise climate, I consider that any additional noise from the grazing of animals would not result in noise impacts of significance or any unacceptable reduction in the residential amenity of the nearest occupiers.

Appendix A



Photograph showing landscaped batter/bund and footway to south of Maddison Court





Photograph taken from the north-western edge of the Replacement Land looking in a westerly direction with Maddison Court properties in the background and landscaping and footways in the foreground.