

# City of Durham Parish Council

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17 November 2019

Dear Planning Committee Member,

In accordance with the Local Government Act 1972 I hereby give you notice that a meeting of the Planning Committee will be held in **Office 2, Clayport Library Building at 14:00 on Friday 22 November 2019** to transact the following business:

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members.**
- 3. To receive and approve as a correct record the minutes of the meeting on 8 November 2019.**
- 4. To receive any public participation comments on the following agenda items.**
- 5. Matters arising:**  
to approve the following responses (for text of letters see Parish web site):  
**DM/19/03170/CEU** | 11 Mayorswell Close Durham DH1 1JU (further letter)  
**DM/19/03309/FPA** | 16 Mistletoe Street Durham DH1 4EP  
**DM/19/03408/FPA** and **DM/19/03438/FPA** | 29 Lawson Terrace Durham DH1 4EW  
**DM/19/03409/AD** | The Bishop Langley North Road Durham DH1 4PW
- 6. County Durham Plan**
  - a. Verbal update on week 2 of the Examination in Public, matters 5 (*Strategic allocations at Durham City*), 6 (*Transport proposals for Durham City*) and 7 (*Durham University, PBSAs and HMOs*)
  - b. Consideration of any further Inspector's questions and action points
  - c. Participation in the EiP weeks 3 and 4 (we are only listed at matter 14 *Other Issues*).
- 7. Consideration of Planning Committee budget for 2020-21**
- 8. Section 106 monies available for the City of Durham Parish area** (report included)
- 9. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA): Any relevant developments**
- 10. Deregistration of common land:**
  - a. To note the joint response submitted by the Parish Council and the Freemen (report included)

b. Any other relevant developments

## **11. Planning applications:**

**DM/19/02553/FPA** | Demolition of former baths & construction of new Business School etc | Former Swimming Baths and Nos 42, 47-49, 50 And 51 Old Elvet, Elvet Waterside Durham, DH1 3DA (22 November)

**DM/19/03076/FPA** | Change of use of ancillary retail storage (use class A1) to gym (use class D2) and external alterations | 43, 44 And 25 The Riverwalk Millburngate Durham DH1 4SL

**DM/19/03227/FPA** | Two storey rear extension to existing C4 property | 3 Juniper Way Durham DH1 4GZ

**DM/19/03337/FPA** | Replacement of shopfront | Woven 40 The Riverwalk Millburngate Durham DH1 4SL

**DM/19/03447/FPA** | Change of use of part ground floor and first floor of no. 90 to small HMO (Use Class C4) including two-storey extension to rear, single storey extension to no. 89 to provide workshop and change of use of land to rear to residential curtilage. | 89-90 Claypath Durham DH1 1RG

**DM/19/03459/FPA** | Demolition of existing rear extension and erection of part single-storey/part two-storey extension at rear of dwelling and installation of dormer windows in roofspace also to rear to an existing small HMO (use class C4). | 17 Providence Row Durham DH1 1RS

**DM/19/03494/FPA** | Demolition of existing rear extension and erection of two-storey extension at rear of dwelling and installation of dormer windows in roofspace also to rear to an existing small HMO (use class C4). | 18 Providence Row Durham DH1 1RS

**DM/19/03525/LB** | To paint shop front green, to install temporary flower wall installation and up-lighting to the top two stories, to replace existing timber beading beneath window with glazing and to install 1 no. Fascia signage with new logo in gold lettering, 1 no. hanging sign with updated logo and gold leaf lettering to left hand exterior window | The John Duck Ale House 91A Claypath Durham DH1 1RG

**DM/19/03587/FPA** and **DM/19/03588/LB** | erection of sandstone wall under 1m high with wrought iron railings above | Leazes Cottage Leazes Place Durham DH1 1RE

## **12. Dates of next-but-one meeting**

6 December 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

And, pursuant to the provisions of the above-named Act, I Hereby Summon You to attend the said meeting.

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**

# City of Durham Parish Council

**Minutes of Planning Committee meeting held at 14:00 pm on Friday 8<sup>th</sup> November 2019 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.**

**Present:** Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr V Ashfield, Cllr G Holland and Cllr C Reeves

**Also present:** Parish Clerk Adam Shanley, Janet George (member of the public), Yvonne Edwards (Durham University) Faith Folley (DPP Planning), John Seebacher (DPP Planning) and Rachel Raine (DPP Planning).

## **1. Welcome and apologies**

Apologies were received from Cllrs J Elmer and L Brown

## **2. To receive any declarations of interest from members**

None received

## **3. To receive and approve as a correct record the minutes of the meeting on 25 October 2019**

The minutes of the meeting held on 25<sup>th</sup> October 2019 were unanimously **agreed** as a true and accurate record of proceedings.

## **4. To receive any public participation comments on the following agenda items.**

Janet George attended the Planning Committee meeting to provide the Parish Council with a letter she had received from Durham County Council's planning department following her objection to planning application DM/19/03170/CEU. Janet advised that she and another neighbour to the property being considered as part of application DM/19/03170/CEU had submitted an objection and had also provided evidence to Durham County Council that the house was both uninhabited and uninhabitable as building work was carried out. The Chair highlighted another recent similar case whereby the Inspector had made it clear that the relevant date was when the new tenants actually moved in, not when the owner decided to convert the house to an HMO nor indeed the date on a tenancy agreement. It was **agreed** to send a further letter to the Planning department at DCC providing further information, reiterating the Parish Council's objection and requesting that this application be called to Committee if minded to approve. The Chair thanked Janet George for attending the meeting. Janet left the meeting.

## **5. Matters arising:**

**DM/19/02871/AD** and **DM/19/02874/LB** | Half Moon Hotel 86 New Elvet Durham DH1 3AQ. The draft response to these applications were **agreed** by the Committee.

**DM/19/02966/FPA** and **DM/19/02967/LB** | Half Moon Hotel 86 New Elvet Durham DH1 3AQ. The draft response to these applications were **agreed** by the Committee.

**DM/19/03139/FPA** | Crematorium South Road Durham DH1 3TQ. The draft response to this application was **agreed** by the Committee. The Clerk did however highlight that neither the applicant nor the Planning department at DCC had responded to the request for further information on this application.

**DM/19/03143/LB** | Basement 41 - 42 Saddler Street Durham DH1 3NU. The draft response to this application was **agreed** by the Committee.

**DM/19/03170/CEU** | 11 Mayorswell Close Durham DH1 1JU. The draft response to this application was **agreed** by the Committee.

**DM/19/03176/FPA** | 18 Mavin Street Durham DH1 3AU. The draft response to this application was **agreed** by the Committee.

**DM/19/03177/FPA** | 13 Mavin Street Durham DH1 3AU. The draft response to this application was **agreed** by the Committee.

**DM/19/03257/FPA** | 32 Whinney Hill Durham DH1 3BE. The draft response to this application was **agreed** by the Committee.

**DM/19/03317/CPO** | 6 Mitchell Street Durham DH1 4DQ. The draft response to this application was **agreed** by the Committee.

Cllr R Cornwell **agreed** to represent the Parish Council at the forthcoming Central and East Planning Committee at Durham County Council in relation to application DM/19/02862/FPA.

The Committee also **agreed** to reiterate their objection following receipt of a notification of appeal from the applicant for DM/19/02375/PNT.

## **6. Planning applications:**

- a.** Consideration of amended plans for DM/19/02553/FPA (Demolition of former baths & construction of new Business School etc).

A number of representatives from both Durham University and DPP Planning (consultants for the scheme) attended the meeting to discuss the revised plans from the proposed new Durham University Business School. Faith Folley (DPP Planning) advised that they had considered the Parish Council's comments on the original application and had submitted some revisions to satisfy some of the concerns expressed. Faith advised that DPP and Durham University were aware of the concerns primarily in relation to the Eastern elevation of the building and had sought to change the building with the aim of addressing those concerns. Faith advised that the landscaping scheme remained the same in terms of the proposed tree planting (25 new large specimens of trees, 1000 small specimens). Computer generated images of the proposed new building were provided by the consultants showing both Summer and Winter views of the building.

The Chair thanked the consultants for the giving the Parish Council the opportunity to see the building in a 3D display at a meeting some weeks earlier.

Faith advised that the building had been made slightly smaller and set further back to address the issues of the building having an impact on views from the Cathedral tower in particular. The trees proposed to be planted as part of the scheme would also cover the building from this view.

Cllrs V Ashfield and G Holland expressed a dislike for the architecture of the proposed building.

Cllr J Ashby thanked the consultants and the University for looking to address the concerns expressed by the Parish Council.

The Chair thanked the representatives from Durham University and DPP Planning for attending the meeting. At this point, all four representatives left the meeting.

It was **agreed** to respond to the revised plans stating that two of the original concerns had been addressed. Cllr J Ashby **agreed** to draft the response.

- b.** Planning applications held over from 25 October:

**DM/19/02640/AD** | Display of bronze plaque to display information related to St. Cuthbert and The Journey Statue. | Clayport Library 8 Millennium Place Durham DH1

1WA (8 November). It was **agreed** to note this application.

**DM/19/03030/AD** | Dibond Sign mounted to the front of the shop Height 80 cm x 490 cm length with the white background to match the style of the shop front sounding and orange text to match company colours. | 9 Silver Street Durham DH1 3RB (1 November). It was **agreed** to note this application.

- c. To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):

**DM/19/03309/FPA** | Replacement of Existing Timber Front Door with Composite and Replacement of Existing Timber Ground Floor Front Bay Window with UPVC | 16 Mistletoe Street Durham DH1 4EP (21 November). It was **agreed** to object to this application. Cllr G Holland **agreed** to draft the response to this application.

**DM/19/03355/FPA** | Replace existing conservatory with a rendered single-storey rear extension | 1 St Oswalds Drive Durham DH1 3TE (15 November). It was **agreed** to note this application.

**DM/19/03359/FPA** | Replacement of First Floor UPVC Window with Timber Painted Window | 13 Lawson Terrace Durham DH1 4EW (21 November). It was **agreed** to note this application.

**DM/19/03368/FPA** | Creation of two bedrooms above an existing garage and kitchen, extension of ground floor front elevation of existing flat roofed area by 1.8m to create a boot room and W/C and other external alterations. | 2 Aykley Green Durham DH1 4LN (19 November). It was **agreed** to note this application.

**DM/19/03382/LB** | Replacement Timber Windows | Covered Market Market Place Durham DH1 3NJ (28 November). It was **agreed** to note this application.

**DM/19/03386/FPA** | Erection of two storey detached brick garage with; carport, cycle storage and general storage to the ground floor; studio space W/C and storage to the first floor. | Hallgarth Farm House The Hallgarth Durham DH1 3BJ (28 November). It was **agreed** to note this application.

**DM/19/03397/LB** | 2No Non-Illuminated Banner Signs | Covered Market Market Place Durham DH1 3NJ (28 November). It was **agreed** to note this application.

**DM/19/03408/FPA** | Change of use from single dwelling house C3 with 2 bedrooms to HMO C4 with 4 bedrooms | 29 Lawson Terrace Durham DH1 4EW (28 November). It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

**DM/19/03409/AD** | Advertisement consent for the display of 2 No. Externally Illuminated Hanging Signs and 1 No. Internally Illuminated Fascia Sign | The Bishop Langley North Road Durham DH1 4PW (25 November). It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

**DM/19/03436/TPO** | To prune overhanging branches of Ash, Sycamore, Maple, Elm and Poplar trees back in line with the boundary | 24 Westhouse Avenue Nevilles Cross Durham DH1 4FH (25 November). It was **agreed** to note this application.

**DM/19/03438/FPA** | Change of use from single dwelling house C3 with two bedrooms to HMO with 4 bedrooms and dormer window to rear roofslope | 29 Lawson Terrace Durham DH1 4EW (25 November). It was

**agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

Cllr C Reeves offered to draft a press release welcoming those planning applications that were either upgrading existing wooden windows with wood, or replacing uPVC with wood.

## **7. Consideration of Parish Council Planning Committee budget for the financial year 2020-21**

Members considered expenditure for the Planning Committee in the forthcoming financial year. The Clerk highlighted that expenditure had already been agreed up until January 2021 for the provision of an enhanced planning enforcement service but expenditure would need to be considered for this priority should the Parish Council wish to continue with this service.

It was **agreed** that £6,000 should be proposed to Full Council in case of the need for a public inquiry regarding the de-registration of the coach park at the Sands as Common land.

It was **agreed** that £500 should be proposed in case of any printing required for the Neighbourhood Plan.

It was **agreed** that £1,000 should be proposed in case of any professional support needed in responding to Planning applications.

The Clerk highlighted that there is still £7,500 remaining for the HMO investigation/ SLA with Durham University on HMO locations within the City of Durham Parish Area.

## **8. Consideration of Minister's response to the Parish Council in relation to Central Government financial support for areas with a high number of council tax class M and N properties.**

Members considered the recent responses to FOI requests submitted to the County Council in relation to loss in Council tax due to class M and N properties. These highlighted that approximately £7.5 million was lost in the financial year 2018-19 due to these exemptions. Cllrs J Ashby and R Cornwell advised that they would like to look further into the figures available via the Valuation Office website.

It was **agreed** that a report should go to the November Full Council meeting on this matter with the following recommendations:

- That the Parish Council requests a breakdown of the formula from Government on the amount relating to student council tax exemptions paid to DCC as part of the Local Government Finance Settlement.
- That the Parish Council writes to DCC requesting that a percentage of the funds paid as part of the Settlement to DCC by central Government be passed on to the Parish Council (as per Minister's response).
- That the Parish Council writes to Durham University formally requesting that they increase their contribution to local service spending in light of the loss of council tax.



- That the Parish Council writes to the Head of Planning at DCC requesting that any section 106 monies arising from permitted development as part of the University's Masterplan be used for local services which combat any negative impact on the locality and not on other priorities e.g. public art.

## **9. County Durham Plan**

Members **agreed** to note the replies to the Inspector's Supplementary Questions on Matters 5-7 and also the replies to Inspector's Action Points on Matters 1-4.

## **10. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA): Any relevant developments**

The Clerk advised that the next newsletter from Kier is due to arrive in the next day or so. The Clerk also advised that he would chase up a reply from Kier on the proposed next date, time and membership of the (yet to be formally established) Community stakeholder group.

## **11. Dates of future meetings**

22 November 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

6 December 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

*Due to the confidential nature of the following items, in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and the public were excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the LGA 1972 Act and section 1(2) of the Public Bodies (Admission to Meetings) Act 1960. At this point in time the press and the public were asked to leave the room*

## **12. Deregistration of common land: consideration of our response to the County Council's response to representations received.**

The Chair advised that the County Council had responded to the number of objections submitted as part of their application to have the coach park at the Sands de-registered as Common land. The Chair advised that a meeting had taken place between the Freeman, the Parish Council and the barrister who acted on both parties' behalf in writing the original objection to the plans. At the meeting, a number of inaccuracies were highlighted in the County Council's response and it was felt that this ought to be highlighted to the Planning Inspectorate. Members **agreed** that the barrister should be asked to respond to the County Council response to objections; a decision on cost to be approved in writing and ratified by Full Council.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

**Signed**

**Chair of the City of Durham Parish Council Planning Committee**

## **Item 10: De-registration of the common land.**

As Councillors are aware, Durham County Council has applied to the Secretary of State for the Environment, Food and Rural Affairs under section 16 of the Commons Act 2006 to have the coach park at the Sands de-registered as common land and replaced by land east of Rivergreen Centre, Aykley Heads, Durham City.

Upon notification of the application, the City of Durham Parish Council and the Freeman for Durham City jointly agreed to commission the services of a barrister to submit an objection to this application.

The Parish Council and other objectors to the proposal received a rebuttal from the County Council on 29<sup>th</sup> October and Councillors agreed to submit a response to this rebuttal.

Representatives of both the City of Durham Parish Council and the Freeman met with the barrister on 5<sup>th</sup> November to discuss submitting a joint response. At this meeting, the Freeman advised the Parish Council that they would again be willing to split the costs on an equal basis to have the same barrister submit this response. Following this meeting and due to the urgency to respond, Parish Councillors were contacted in writing and agreed to suspend Standing Orders to allow the same barrister to formulate a response to the County Council's rebuttal. The deadline for responding pre-dated the 28<sup>th</sup> November Full Council meeting.

A copy of the full response to the County Council's rebuttal is set out below:

### **RE: APPLICATION UNDER S.16 COMMONS ACT 2006 – THE SANDS, DURHAM**

I am instructed under Public Access jointly by the Freeman of the City of Durham ("the Freeman") and the City of Durham Parish Council to object to the application to de-register Common Land at The Sands Durham ("the Application"). This letter is in rebuttal to the Council's (undated) statement under reference NC/14195.

The Freeman and Parish Council would wish to reiterate their grave concerns that not only is the Release Land enclosed by fencing, the Council has now permitted the contractors Keir (not a statutory undertaker) to use the Land as a Site Compound. This displays a blatant disregard for the Commons legislation and the rights of the Freeman and public to use this land

The Council's continual and blatant disregard of the public and quasi-public rights over the Common Land make its assertion at paragraph 2.11 that it has no intention of eroding the balance of The Sands Common (whatever that means) wholly unreliable. Put simply the Council cannot be trusted to act in the interests of the public with regard to the Common Land.

In rebuttal to the Council's statement, its paragraph numbering is adopted.

As to paragraph 2.1 the basis of the objection made by the Freeman and PC is to safeguard common rights on the Land. The suggestion of a "central theme" of opposition to the HQ Project is fantasy. There is no mention of the merits of the HQ in the objection and to characterise it as such is deliberately misleading. Paragraph 2.17 should be amended to accurately reflect the position and objector 9 removed from this list.

Further the Freeman and PC as custodians of the commoners and public interest are actively engaged with Andrew Megginson (Stakeholder Engagement Leader) to mitigate any impact on public rights during the construction period.



The Objectors welcome the Council's confirmation and acceptance that the Coach Park is an unauthorised use and the Replacement Land is uphill and less accessible to residents of Durham City.

It is important to properly grasp the history and context of the common land at The Sands. The Freeman status dates back to the 11<sup>th</sup> century and has been exercised continually since then. The Freeman have during this period elected not to exercise herbage rights and made decisions to permit temporary uses, including the Ordnance Depot and Coach Park, on their merits at that point in time. These are decisions for the Freeman as custodians of the land and it is not for the Council to comment upon them in pejorative terms. In the context of rights going back at least 900 years, if not to time immemorial, such uses for say 80 years are temporary and reversible.

As to paragraph 2.2 the Freeman do assert these rights which are reflected in the Indenture of 18 September 1850 in the following terms –

*WHEREAS the said Mayor Aldermen and Citizens are under and by virtue of the said recited Indenture of lease seised of the soil and freehold of the said several tracts plots pieces or parcels of ground but the Freeman of the City of Durham are entitled to rights of common thereon for all commonable cattle as the said persons parties hereto do hereby acknowledge and declare.*

On that basis a proportion of the rents and profits of buildings on the common land and compensation for injury to the herbage caused by public fairs were paid to the Freeman. This position is also reflected in the letter of 18 March 1968 from the Clerk to the Freeman whereby it was recognised that the herbage rights "are completely unrestricted" and the Freeman "are not limited as to numbers".

As to paragraph 2.3 – in discussions with the City Council the Freeman requested the Royal Ordnance site and the adjoining ancillary car parking land to be returned to grass. This request was overtaken by events at that time and a lease granted for the Coach Park. The remaining section was returned to grassland as requested. The Freeman will give evidence to this effect to the Secretary of State.

As to paragraph 2.5 the Council are required to prove that the exchange is in the public interest. It is the Council which constantly and repeatedly seeks to rely on the purported benefits of the new HQ to outweigh the admitted harm from loss of the Release Land. It is plain that the purpose of the application is to free up the release land for redevelopment<sup>1</sup> and the Council assert that the benefits of the new HQ are so significant as to outweigh the (now admitted) harm to the common rights<sup>2</sup>. These are material matters before the Secretary of State as decision maker and should be explored by way of a public inquiry.

As to paragraph 2.6 the letter of 18 March 1968 clearly states the buildings are temporary and the rights of herbage will revive in the future. This is still the stated position of the Freeman some 50 years later.

As to paragraph 2.8 the functional use of the car park in the present and the return of the land to herbage in the future are not exclusive. As a matter of fact, the Lumiere event is not wholly funded by the Council, it has other private sponsors. The relevance of this point is not understood in any event. The fresh assertion that the car park will not be private but rather open to the public on evenings and weekends is not borne out by the evidence submitted with the planning application. In any event this Council regularly changes its position, and ignores commons

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<sup>1</sup> 1.2

<sup>2</sup> 4.1

legislation, and the application should proceed on the basis that this will be a private car park, absent any legally binding position to the contrary.

As to paragraph 2.10 the Council admits at paragraph 2.13 that the Replacement Land is less accessible to residents of Durham. In any event there is no parking at Aykley Heads and the whole access road from the roundabout to the land, approximately 800m, has double yellow lines on it. This cannot possibly be described as an accessible location.

As to paragraph 2.11 the assertion that international visitors to Durham will walk away from the historic core and views of the Cathedral and Castle, up the hill to the Replacement Land is fallacious.

As to paragraph 2.14 the Council is correct in that there is a road adjacent to the Replacement Land. However, this has double yellow lines for 800m and no space for the safe and commodious unloading of stock. Further the land is a nature reserve for ground nesting birds and used by Great Crested Newts. In practice it would not be available for grazing at all and this is admitted by the Council in paragraph 4.5.2 of the Application statement. This is a highly material consideration under s.16.

Paragraph 2.15 asserts that more than one access to the land will be made. This directly contradicts the Council's claim that the nature conservation interest of the Replacement Land will be ensured by "provision of a single access point".

As to paragraph 2.19, this touches on the PC objection. The fact that the remainder of the common land is available for recreation carries no weight. The County Council has shown scant disregard for the public interest throughout this process and cannot be relied upon to understand or articulate what impact this application will have on the local residents, visitors and commoners' rights.

As to paragraph 2.21 and 2.22 this exemplifies the Council's untenable position. It finds the "requirement" for this land for parking as paramount and disregards the public interest as being satisfied by the remainder of the common land. The Council's Open Space Needs Assessment (OSNA) shows a lack of open space in the Durham city area. Notwithstanding the Replacement Land is already identified as Accessible Natural Green Space in the OSNA. If the land is already publicly accessible then it cannot qualify as Replacement Land. It should be noted that there are clearly worn paths crossing the land which are indicative of public access. The Police at Aykley Heads have noted that this land is in public use and this should be clarified. The objectors will rely on the OSNA, correspondence and photographs in evidence.

The assertion at paragraph 2.20 that the Council has an intention to "affect an appropriation in order to align the Replacement Land with its new Common Land status" is not understood. The council is asked to explain this statement.

It should be noted that the Council has comprehensively failed to address the major tenet of this objection that the Release land is not necessary for the HQ project and the spurious public benefits claimed by the Council are not relevant to this Application. In fact, the loss of amenity already arising from the HQ development and the felling of 150 trees is such that the Parish Council is seeking agreement from the Freeman for significant re-planting on The Sands to mitigate this loss.

There is a general point to be made at this stage. The Council's statements of case are riddled with inconsistencies, lack of evidence and unfounded assertions. The only way in which this Application can be properly decided is by way of a public inquiry where evidence can be heard and tested.

It should be noted the Council agree that the Coach Park is an unlawful use (absent any consent under s.194) and therefore the Secretary of State should disregard this use when assessing the merits of the proposed exchange. The Application will be considered on the basis that the Release Land is part of the common and properly available for public use<sup>3</sup>. Therefore, the Council's case for example at paragraphs 2.19 is wrong in law and no weight should be attached to the Coach Park use.

On a proper understanding of the evidence and relevant law the Council's case is unarguable. The Freeman and the PC therefore invite the Council to withdraw the Application and not waste public resources in pursuing it in the face of overwhelming objection from those with common rights.

If the Application is not withdrawn and the Council persist, then the outstanding objections of the Commoners and other with rights (including the neighbourhood and members of the public generally) should properly be considered by an Independent Inspector at a public inquiry.

Ends

The cost to the Parish Council for the barrister's services are £640 (includes VAT).

A copy of this report will be presented at the Full Parish Council meeting in November.

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<sup>3</sup> See Common Land Consents Policy November 2015 §5.5