**NEVILLES CROSS COMMUNITY ASSOCIATION [NXCA]**

**AGM [A] and ORDINARY MEETING [B]**

**FRIDAY 1ST MARCH 2019;**

**6pm, UPPER ROOM, CHURCH HALL, ST JOHNS CHURCH**

**MINUTES**

**PRESENT:** J Thompson (chair), P Rowe (Treasurer), A Doig (Secretary), A Haysey (Trustee), H Martin (SPRA), B Fox, L Szablewska, A Lockhart, G Walker, S Collinson, A Earle, S Shaw.

**In attendance:** C Reeves, E Ashby (Parish Councillors)

**APOLOGIES FOR ABSENCE:** L Hudspith, S Childs, E Scott, L Brown, J Elmer

1. **CHAIR’S WELCOME, MINUTES OF 31ST OCTOBER 2018 MEETING, MATTERS ARISING and CHAIR’S ACTIONS**

**RECEIVED**

1. Chair’s opening comments
2. AGMs and the NXCA Constitution

**APPROVED**

1. The holding of the AGM a month outside the requirements of the constitution;
2. Minutes of the meeting held on 30th October 2018.

**NOTED**

1. That in view of the income achieved by the NXCA during 2018, the NXCA should apply for registration as a charity and Trustees will update the constitution for such a purpose and submit to the next meeting;
2. In relation to matters arising from the Minutes not already on the agenda, the NXCA’s safeguarding policy will be circulated shortly and submitted for approval to the next meeting.

**A: AGM**

1. **MEMBERSHIP AND MEETINGS**

**NOTED**

1. That the NXCA has over 170 email names/addresses and that all members of the former Merryoaks Community Association (all of whom are now Lowes Barn Community Project (LBCP) members) have been included in the NXCA mailing list with the option to withdraw;
2. That an NXCA website is being developed;
3. That, after contacting Kath Shanks of Cross Quarterly (CQ), the Trustees have decided to fix provisional dates for meetings to allow for these to be advertised in CQ and for a summary of the minutes/issues for communication through CQ to be drafted in time for the copy deadline. The proposed dates are as follows:

Tuesday 25th June 2019 (OM; CQ copy deadline 12th Aug for Sept issue)

Tuesday 22nd October 2019 (OM; CQ copy deadline 11th Nov for Dec issue)

Tuesday 21st January 2020 (OM and AGM).

1. **ELECTION OR APPOINTMENT/REAPPOINTMENT OF NXCA TRUSTEES**

**NOTED**

1. That Mandeep Smith had resigned as a Trustee;
2. That Louise Hudspith and Tony Cleaver had been appointed Trustees in 2018.

**AGREED**

That the following be elected as current Trustees to serve for a further period of one year from this meeting as follows:

Liz Brown, Jennifer Thomson, Alan Doig, Paul Rowe, Andrew Haysey, Louise Hudspith, Tony Cleaver, and Stephen Ashfield.

1. **ELECTION OR APPOINTMENT/REAPPOINTMENT OF NXCA OFFICERS**

**AGREED**

1. The election of current Officers who have indicated their agreement to serve for a further period of one year from this meeting as follows:

Jennifer Thomson (Chair), Paul Rowe (Treasurer).

1. The appointment of Tony Cleaver as Secretary (with Alan Doig providing assistance for 2019).
2. **ACCOUNTS**

**NOTED**

1. That the NXCA accounts for 2017-18 are still under preparation but that very little expenditure had taken place against the normal account and that some £6800 had been spent of the two sets of funds – the Big Lottery Fund and the County Durham Community Fund – awarded to the NXCA for the Xmas Festival and other activities (a list of costs for the Xmas Festival was submitted to the meeting;
2. That a short extraordinary AGM would be held at the start of the next meeting to approve the accounts and the report submitted to the County Durham Community Fund;
3. That an Events Sub-group had been set up to support future events comprising: Jennifer Thompson, Will Greeves, Mandeep Smith, Suzanne McGoay with – from Ustinov College - Ian MacDonald and a JCR representative.
4. **AOB (**relevant to the AGM)

There no AOB.

**B: ORDINARY MEETING**

1. **USTINOV COLLEGE MANAGEMENT COMMITTEE**

**NOTED**

A report from Andrew Haysey, the NXCA representative on the Management Committee, on the Autumn Term meeting at which there were no issues to report and all the arrangements in place appeared to be working (the contact email and telephone number are as follows: non-urgent issues, [ustinov.community@durham.ac.uk](mailto:ustinov.community@durham.ac.uk) and reporting of immediate concerns of nuisance: Sheraton Park Reception: 0191 3345470).

**RECEIVED**

A report from Alan Doig from the Spring Term meeting being held on 27 February 2019 where there were no issues relating to residents and at which, on behalf of the NXCA, the College and Ian MacDonald were thanked for their support during the Xmas Festival.

1. **DURF (DURHAM UNIVERSITY and RESIDENTS FORUM)**

**RECEIVED**

1. A report from Alan Doig, the NXCA representative on DURF, on its meeting 7th December 2018;
2. A report from Sue Shaw on her membership of the Citizens subgroup of the University’s Community Engagement Taskforce in which she noted that the subgroup had identified and recognised areas of concern (noise, anti-social behaviour, parties, pavement congestion, etc) as well as possible response, including student wardens and better communications between residents with complaints and the University. She noted that the University were aware of the concerns and appeared willing to want to address them.
3. **COMMUNITY CENTRE**

**RECEIVED**

1. A report on progress in terms of: the allocation of funds, the need to raise matched funding, the next phase of design work and the identification of potential users;
2. The need for volunteers with particular expertise, whether in finance or design or planning, to support the development of the community centre and the invitation to all residents to attend open meetings of the Lowes Barn Bank Community Project.

1. **PLANNING SUBGROUP and RESPONSE TO NPF PLAN and the DCC PRE-CONSULTATION PLAN ON SNIPERLEY PARK HOUSING, THE WESTERN RELIEF ROAD and STUDENT ACCOMMODATION REGULATIONS.**

**RECEIVED**

The Planning Sub-group’s report [see ANNEX].

**APPROVED**

The recommendations of the Sub-group subject to:

Including the need for alternative ways to reduce traffic congestion that would also obviate the need for the Relief Road;

The Secretary finding ways for submitting objections to the Plan other than by email or portal;

Requesting that the County Council ensure the HMO register is up-to-date.

1. **TELECOMS MAST**

**NOTED**

That WHP Telecoms have been informed that the time limit for the temporary mast at the bottom of Nevilles Cross Bank is coming to an end on 6 February 2019 and that the Council will be taking formal action for its removal by this date. The company are proposing 2 sites, one by the Duke of Wellington and one along the A167 towards the traffic lights.

**AGREED**

1. To discuss the item at a future meeting;
2. Ask Councillor Brown whether the mast stays in situ until a permanent location is determined.
3. **REPORTS FROM COUNCILLORS**

**RECEIVED**

1. Reports from Parish Councillor Esther Ashby on: calming measures for the A167; whether or not footbridges, traffic lanes or parking arrangements were likely to change along the A167; the possible work of the Parish Council in employing someone to address environmental issues such as snow, gritting, grass-cutting, graffiti, etc; the possibility of Durham Student Union members becoming involved in snow-cleaning and other community services; the possibility of future PBSAs being designed for future alternative use; and the possible extension of ‘In Bloom’ activities beyond the City centre.
2. **AOB**
3. The Chair raised a number of AOB matters, including:

The Art exhibition at Ustinov College on 02 March;

The Plant Heritage Open Day for Corydalis at Brian Whitton’s home;

1. The Chair invited Helen Martin of SPRA to report on the s106 application for the playing field for drainage, fencing and signage.

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**ANNEX**

**Minutes of Meeting of NXCA Planning Subgroup; 22 February 2019**

**Present:** A Doig, P Jackson, J Elmer, A Fearle (Merryoaks)

**Apologies;** A Haysey

1. **OBSERVATORY HILL and the NEIGHBOURHOOD PLANNING FORUM**

NOTED

The background to the proposed designation of the Observatory Hill area as a ‘Local Green Space’ (LGS) as follows:

1. The 2015 Conservation Area report (Chapter 3: Crossgate) prepared by DCC states (p.195) which states:

This section of the document defines the ‘special architectural or historic interest of the Pimlico, Durham School, Briarville and Observatory Hill Sub Character Area that warrants its designation and conservation area status, the ‘character or appearance of which it is desirable to preserve or enhance’.

1. The NXCA has consistently argued for the protection of the area, writing in May 2017 that ‘we would be interested in seeing if we could have the area registered as a community asset with the Open Spaces Society or designated ‘local green space’ in the Durham NPF neighbourhood plan’.
2. The proposal from the County Council which wanted to extend the ‘local green space’ as follows:

*Observatory Hill, adjoining Potters Bank and near to Durham School, is within both the inner bowl of the World Heritage Site and the City Conservation Area. Its elevated site makes it very visible from the centre, and it contributes to the green and rural landscape setting for the World Heritage site and the City centre. It is well used for walking and leisure activities (PLUS) Bow Cemetery (St Oswalds Cemetery) and the adjacent fields (one at the bottom of Potters Bank North West of St Mary's College (within the Durham City Conservation Area) and one falling down from Elvet Hill / St Aidan's College South of Potters Bank), in conjunction with Observatory Hill, provide one of the key 'green fingers/wedges' that are an important characteristic of Durham City, leading towards the World Heritage Site. These green wedges are highly valued by residents and visitors.*

1. The objections from the University and Dean and Chapter where the former states

*Suggested additional area (a) north west of St Mary’s College currently forms part of a Grazing/Mowing agreement with the farm at Houghall College, which is operated for its educational purposes. Suggested additional site (b) South of Potters Bank is private land in DU ownership and again subject to a Grazing/Mowing agreement with the farm at Houghall College. The land is therefore already afforded a suitable and appropriate level of protection by virtue of its setting within the WHS and Conservation Area which themselves contain significant and constraining policies. It appears to be clearly premature to prescribe areas of LGS when there are still several outstanding matters relating to homes, jobs and essential services. The allocation of DU land as LGS without our express consent essentially amounts to a preventive designation and is entirely inconsistent with sustainable development policies and economic growth ambitions of the City.*

The latter states:

*The land is therefore already afforded a suitable and appropriate level of protection by virtue of its setting within the WHS and Conservation Area. The proposed extra level of designation is considered to be overly onerous considering the current policy position and existing use of the land. This leads us on to our second area of concern relating to the proposed allocation in that the majority of the land owned by both the Durham Cathedral and Durham University is in working use. Trespass is a Health and Safety risk to the public and unauthorised access, which may increase due to the proposed Local Green Space designation, could be a potential Public Liability issue for both the tenant of the land and our client as the landowner. it is considered that future expansion associated with the existing neighbouring land uses have not been considered. For example, Durham School, an independent co-educational day and boarding school (for children aged 3-18 years old) is located to the north of the proposed designation. As the neighbouring land user, it is vital that there is future development potential to expand the school if there is ever a need. A Local Green Space designation would hinder such important expansions. Similarly, to the east of the site (east of Footpath 24), is the existing Chorister School Playing Field, which again needs consideration with regard to its future use / expansion.*

The University’s main objection is that the NPF’s designation of LGS is inconsistent with the purpose of LGS designations as follows:

*I understand that Local Green Space is not intended to be a broad brush or widespread designation and will not be appropriate for most green areas or open space. NPPF makes clear that: “the Local Green Space designation should only be used where the green space is:*

*a) in reasonably close proximity to the community it serves;*

*b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

*c) local in character and is not an extensive tract of land.”*

* *…the land is not demonstrably special to a local community and that there is no particular local significance of the sites to the community;*
* *the imposition of LGS designations will be inconsistent with the aims of national guidance to ensure consistency with local planning of sustainable development and complement investment in sufficient homes, jobs and other important and essential services (such as the University);*
* *Site (a) is particularly detached from the community; it is adjacent to a limited number (circa 15) houses and not well used. Site (b) is also not in particularly close proximity to the centre of the Durham City residential community and does not serve as public open space;*
* *The site has no ‘demonstrably special’ recreational value for the local community;*
* *the character of the site is as part of the setting of the university, rather than residential; in character. Whilst there is public access along one footpath, these footpaths are not well used by the local community;*
* *Given the fields have been in use for agricultural purposes and are not in any active use, there is no local significance or amenity value to the land;*
* *The sites are largely actively managed and mown by Houghall College so the land is predominantly grassland with little ecological value;*
* *The adjacent fields offer limited tranquillity and are not demonstrably special in this respect.*
* *In balance, the land cannot be demonstrated to be more special to the community than many other areas of open green space on the edge of the city and as such has no particular merit for special designation;*
* *All the aforementioned examples highlight significantly smaller tracts of land - than the proposed site at Observatory Hill – and confirmed as being ‘excessive’;*
* *it is an extensive tract of land, the sites only serve a limited population either by proximity or use, are not demonstrably special to the community and have no particular local significance;*

**AGREED**

That the Subgroup find the views of both institutions short-sighted and serving only their interests; many of their arguments in not designating the land as LGS are irrelevant to the criteria for such a designation; in some cases the statements are factually inaccurate. The issue is not one of ownership but one of land as open space.

Our recommendation would be that the NXCA support the County Council and the NPF original plan precisely on the grounds the University advances under the NPPF: it has been valued for a long period of time; it is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance, ranging from its beauty, its recreational value, its tranquillity and the quality of flora and fauna (including rare wild orchids) and is local in character.

1. **COUNTY COUNCIL PLAN: PRE-SUBMISSION DRAFT**
   1. **GENERAL**

**NOTED**

That there were a number of general issues that the Sub-group felt should be addressed as having consequences for NX residents, including: the city centre retail environment and assessments of retail and district centres; the absence of an integrated approach to the night-time economy in relation to planning and licencing and the impact on the City and the capacity of the City to have more late-night licenced premises; Policy 15 on affordable housing; the choice between s.106 and a community infrastructure levy in terms of benefitting community associations. In terms of the meeting, however, the group decided to focus on those relating to the NX area.

* 1. **WEST RELIEF ROAD**

**NOTED**

1. The Plan says:

***A167 Congestion***

*In order to reduce congestion on the western edge of the city around Nevilles Cross and the surrounding network and to facilitate development at Sniperley Park, land as shown on the policies map, is allocated for the construction of the Western Relief Road to the west of the A167 which will connect the A691 at Sniperley Park and Ride roundabout at its northern end with the B6302 Broom Lane at its southern end.*

The detail is:

***A167 Congestion***

***5.225*** *Traffic modelling shows that the A167 is currently the most congested part of the transport network in both the AM and PM peaks. This was supported by a number of views expressed during the Issues and Options consultation. The traffic on the A167 creates a barrier for traffic when entering or leaving the city at peak times with significant bottlenecks especially where the A690 and A691 join the A167 in the west of the city at the Nevilles Cross Junction and Sniperley Roundabout. The modelling predicts that congestion on the network will increase both as a result of predicted national increases in traffic and more localised increases as a result of proposed new development. Therefore to relieve congestion and to enable development to the west and north of the city to come forward a solution is required.*

***5.226*** *In order to identify this solution the council therefore commissioned a feasibility study of possible highway improvements to the A167 corridor between Nevilles Cross and Sniperley roundabout. The objectives of the study were to try and improve journey times and reduce traffic congestion on the A167 in order to accommodate existing and future traffic.*

***5.227*** *The study found that two lanes could be provided in a southbound direction for the entire length between Sniperley roundabout and Nevilles Cross but, due to physical constraints, in a northbound direction only a number of smaller measures to increase capacity were possible. Once these improvements were modelled it showed a reduction in journey times in the AM peak along both the northbound and southbound carriageways. However, in the PM peak, whilst there is a reduction in the journey time on the southbound carriageway, there is a noticeable increase in the journey time on the northbound carriageway. This increase in journey time is due to northbound A167 traffic struggling to exit onto Sniperley roundabout, as traffic from the A691 travelling north-westbound gets an easier exit onto the roundabout. The modelled A167 improvements are estimated to around £6.9 million however the results of the modelling show no overall benefits to traffic movements on the A167.*

***Western Relief Road***

***5.228*** *Given this absence of an effective alternative and the existing and future congestion there is therefore a requirement for the provision of a Western Relief Road (WRR). The relief road will allow traffic from the A690 and A691 to avoid bottlenecks thus reducing congestion for all users. The most significant reductions in traffic take place on the length of the A167 by-passed by the proposed Western Relief Road. The route of the WRR is also located in the Green Belt. Although it will not be removed from the Green Belt, a Landscape Impact Assessment****(81)*** *has concluded that there is likely to be some impact on the openness of the Green Belt, it would therefore be considered inappropriate development in the Green Belt. However the council considers that for the reasons set out here and in the supporting evidence there is no alternative means of addressing the congestion on the A167 and therefore exceptional circumstances have been demonstrated.*

***5.229*** *The route identified is the shortest possible to alleviate the traffic congestion, running parallel to the A167 and crossing the River Browney. Toll House Road will remain open as the proposed WRR will be sensitively bridged over it. Within the corridor of interest for the WRR, development will only be permitted if it does not prejudice the implementation of the road scheme.*

***5.230*** *Due to the significant benefits in reducing journey times that would result, it is anticipated that local, national or regional funding will be the principal means of delivering the WRR (and in fact this proposal has attracted funding previously). However as the new development at Sniperley Park will add to congestion on the A167 a contribution will also be required, via a Section 106 Obligation, from the developers of the site. This contribution will be calculated taking into account of viability and will be identified as match funding in a future business case for the scheme in order to increase the likelihood of securing additional funding. Progressing the road will be an early priority to ensure future development is not constrained as well as providing certainty to developers although the build out of Sniperley Park and other sites may need to be phased to reflect the completion of the WRR.*

***5.231*** *As with the NRR a full Environmental Impact Assessment for the WRR will be required as part of a future planning application.*

1. Our concerns are:

* The ‘modelling’ is incorrect; the excessive traffic is primarily driven at rush hour by school traffic which would not be affected by a relief road. We would argue that full term-time/holiday traffic censuses are undertaken. The *absence of an effective alternative and the existing and future congestion* has not been fully explored to address school traffic;
* It has not been demonstrated that, outside school traffic, traffic using the A690 or A167 crossing the City in order to access the A1 are the primary cause of congestion through the City and for whom the Western Relief Road would be the raison d’etre;
* The southern exit at Stonebridge would feed both ways into increased traffic on Lowes Barn Bank and Nevilles Cross Bank;
* No development at Sniperley would help minimise additional traffic; the potential for ‘induced traffic’ from 1700 additional houses is a an established fact for causing additional traffic;
* The greenbelt should be protected, not only from the proposed road but also the threat of ‘development’ within the road and the A167 (and the statement that *development will only be permitted if it does not prejudice the implementation of the road scheme* is particularly of concern; there are as yet no identified, costed special circumstances and there is no evidence base to justify special circumstances). The Western Relief Road will act to establish an outer perimeter to the city which will ultimately result in infill development up the relief road. This would further add to the congestion and pollution issues in and around the City. This is exactly what has occurred in other County Durham and North East towns;
* No attention had been given to alternative measures to reduce existing traffic flows and peaks, such as more school buses, park-and-ride for school runs, better coordination of traffic lights, etc;
* The links between the Sniperley development and funding of the proposed road are contentious and should be challenged.

**AGREED**

The NXCA should oppose the Western Relief Road on the following grounds:

* No factual evidence has been provided to demonstrate traffic flows in such a way that a relief road would address them;
* No alternatives have been explored to address current usage;
* The Green Belt should be protected, including the possibility of ‘development’ within the proposed route;
* The links between the Sniperley development and funding of the proposed road are contentious and should be challenged.
  1. **SNIPERELY DEVELOPMENT**

**NOTED**

The proposal to build 1700 house and then use s106 funding to part-fund the proposed Western Relief Road with the intention to build some 370 houses whether or not the Road is built. It was agreed that the development:

* Is to be built on Green Belt;
* Does not reflect the housing needs of the City (the Plan presumes a single policy for the whole county);
* Proposes executive housing to maximise developer returns without any certainty that the plans for the economic development proposed for Akley Heads will generate an appropriate market;
* Is inextricably linked to the Western Relief Road (without the development the pressure of extra traffic that justifies the Road would not occur while in turn the development could generate traffic that results in a zero-sum gain from the presence of the Road);
* Will create, despite the mention of a new primary school, extra pressure on existing school, medical and other facilities.

**AGREED**

The NXCA should oppose the Sniperley development on the above grounds.

* 1. **STUDENTS AND ACCOMMODATION**

**NOTED**

The Plan (17.1) has uncritical acceptance of the growth of the University; it also accepts without challenge the University’s claim that it intends ‘*to house 50-55% of students in College affiliated accommodation by 2027. This will be achieved by developing new build colleges on Durham University land and working in partnership with purpose-built student accommodation (PBSA) providers*.

If the University continues its growth in student numbers, however, the actual number of additional students seeking private sector rented accommodation will increase. Further the University has no formal means to require students to stay in university accommodation beyond the first year; as rises in college fees occur anually so the pressure to move out will increase (see Parish Council correspondence with the University 2019). Even the use of PBSAs where the University is not operating a college operation will not guarantee student conduct (see Kepier Court).

Within this context then the Plan must take a stance on the growth of HMOs, the overall balance of the residential population of the City and the availability of accommodation for young families, professional persons and non-university young people and reverse the current spread of students into stable residential areas, and into new ‘executive’ housing provision (such as Sheraton Park and Mount Oswald).

It is not enough for the Plan simply to state that new student accommodation should not be built at the expense of general housing, that the council would like the areas with high concentrations of HMOs to become more mixed, that student populations returning to and from and accessing PBSA through a predominantly residential area can impact upon residential amenity or that PBSAs cumulatively, alongside HMOs this can have an impact upon the character of an area. It needs to match its rhetoric with specific actions.

**AGREED**

* the Plan must require management of the growth of the University and student numbers within the capacity and infrastructure of the City, and the needs of the residents, much more robustly;
* no additional charge against the County Council should occur as a consequence of the growth of the University and consequential expectations of changes to the street infrastructure, etc;
* areas of high student occupation should not be allowed to move toward 100% occupancy. Not only does that create empty areas outside term-time but also means that the County Council is giving up on what would be the most affordable property for first-time buyers. The University must consider a cap on student-occupied HMOs and refuse planning applications for new or extended HMOs where there are more than 65% Class N Student Exemption properties in a specific street;
* The roles and intentions of the County Council (DCC) in relation to the University should be less one-sided. Continued growth has a number of consequences: the retail environment is unattractive to tourists and residents, the Green Belt is being encroached (eg, Maiden Castle), the numbers of students will place financial costs on residents for infrastructure (eg, Church Street pavements), amenity (noise, waste, etc) and a night-time economy incompatible with a small City centre. We feel that the Plan does not root itself firmly in the realities of the City as it currently stands and the Plan must be specific about the limits of growth and the costs that the University must also bear as a consequence of that growth;
* We would propose a moratorium on all new PBSAs until the University actually gives guarantees about the building and completion of new colleges;
* We propose no permission will be given for a new HMO or increased capacity in an existing HMO will be permitted if more than 5% of the total number of existing properties within 250 metres of the application site which are claiming exemption from council tax charges (Class N Student Exemption);
* We propose that privately owned PSBAs, even if leased to the University, should be included in the 5% of the total number of existing properties within 250 metres of the application calculations;
* We propose the Council publish annually, from figures produced in November of each year a register of the number of Class N Student Exemption Properties by street for the City of Durham;
* We propose that the Council HMO register is updated monthly;
* We propose the County Council actively police the HMO register;
* We propose that the County Council use Neighbourhood wardens to issue on-the-spot fines for waste and other refuse;
* We propose that the County Council operate a robust enforcement of the use of permits and scratch cards for parking.

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