

**Minutes
Environment Scrutiny Panel**

**21 March 2007
5.30 p.m.
Abbey Leisure Centre, Pity Me**

Present: Councillors Wolstenhorne (in the Chair), Carr, Colledge, Kinghorn, Leake, McDonnell, Pitts, Simpson, Turnbull and Walton

Also in Attendance: Councillors Hepplewhite, Lightley, Kellett and Woods

Steve Ansdell – Horticultural Manager, Durham University
Tracey Ingle – Head of Cultural Services, City of Durham
Claire Lancaster – Manager, Necklace Park Project
Jeff Riddell – Head of Environment & Leisure Services, City of Durham
John Williams – Land Agent, Durham Cathedral

Apologies

There were apologies for absence received from Councillors Graham and Marsden.

Minutes of the Meeting held on 20 February 2007

The minutes of the previous meeting were confirmed as a correct record.

Scrutiny Topic – Riverbanks

• **Witness in attendance, Mr John Williams – Land Agent, Durham Cathedral**

Mr Williams, Land Agent for Durham Cathedral gave a presentation to Members on the topic of the Riverbanks from the perspective of the Durham Cathedral.

- Cathedral Land Ownership

Naturally, the Cathedral owns a significant amount of the Peninsula within the City Centre, but also the Cathedral owns a large area on the west of the river. In the areas where the Cathedral owns land on both sides of the river, by the regular convention which states that land owners own the half width of the river, the Cathedral is responsible for the whole of that particular section of the river.

- Main Features

Along the sections of the Riverbank that are within the City Centre, there are a large number of mature and over-mature trees which were planted in the mid 18th Century, around the same time that Prebends Bridge was rebuilt. The original bridge was washed away during heavy flooding and rebuilt (and repositioned) by the Dean & Chapter to provide an improved access to, and view of, the Castle and Cathedral. This was done in the style of the famous Landscape Gardener Capability Brown, particularly in vogue at that time.

It is thought that also the flooding washed away many of the trees alongside the river and consequently a number of beech trees were planted. Beech trees reach maturity at an age of approximately 120-150 years, which would make any trees planted after the Great Flood in 1771 quite a bit older than this.

Note: *Tracey Ingle entered the meeting at 5.35 p.m.*

Following the idea of creating interesting vistas for residents and tourists alike, a view of the Cathedral has been opened up from South View. This is along such a line to require the minimal impact on the trees in this area in terms of removals and management.

- Uses of the Riverbanks

The Count's House is an area owned by the City of Durham, but is bordered by land owned by both Durham Cathedral and the University of Durham. The area roundabout has been used for musical performances in the past and this could be exploited by the Necklace Park Project in the future.

Cyclist often use the riverbank as it is a safe route away from traffic. However, it should be noted that the route along the river round the peninsula is a public footpath, and not a bridleway. Some users of the footpaths have indicated that they disagree with the use of the footpaths by inconsiderate cyclists.

When the weather permits, people often enjoy picnicking along the riverbanks. This can result in additional littering. The Cathedral has staff litter picking 300+ days of the year, with the City of Durham providing a picker 3 times per week.

- Buildings on the Riverside

The boathouse on the far side of the river from the Cathedral had a brace removed in the 1950's and consequently there is a need to shore up and remediate failing walls, damaged due to the weight of the roof.

The Old Fulling Mill is leased to the University for use partly as an Archaeological Museum and also part for residential accommodation.

Many of the buildings along the riverbank have similar problems associated with constricted access. The additional problem is that often this is the only access by vehicles to the buildings and these accesses are commonly routes used by the public on foot.

- Water Erosion

There have been occasions in the past where water erosion has caused damage to the footpaths along the riverbanks, with both the City and County Council helping to remediate in the past.

- Weir on the Wear

The weir below the Cathedral is one of the areas of the river where litter and fallen trees can collect. As the Cathedral does not have its own boat to operate on the river, it can prove difficult to get to the materials that collect along this weir.

Often after a large amount of rainfall some of the large branches and tree trunks will pass over the weir, but on occasion, it can be necessary to contact the Environment Agency in order for them to step in.

There is a fish pass to one side to allow spawning fish to get beyond the weir.

A problem that has been identified is that at the two mill races, one each side of the river, there are leaks. These leaks can lead to a situation where water is no longer running over the weir, rather it flows around it. This is not only detrimental for the river wildlife, but also bad in terms of the various boating activities that take place on this section of the river.

- Trees

As previously mentioned, there are a number of large over-mature trees along the riverbanks and this can lead to problems.

In a case where a lime tree had fallen, it was discovered that the centre of the tree was hollow, despite having new growth and leaves and otherwise appearing quite normal. Forestry Commission guidelines state a minimum safe distance of 12 metres (for a trunk diameter of 1-3 feet) around such over-mature trees. Obviously this would prove impossible to achieve along the riverbanks in Durham as this would effectively cordon off the entire riverbank area.

During a large storm in January 2005, it was thought that the strength of the wind being rebounded from the Cathedral caused a large tree (which was braced against wind from the opposite direction) to become uprooted. This in turn led to instability in the surrounding soil which forms a very steep slope. Removal of blanket coverage of ivy at this location (though not total removal) to increase biodiversity had further exacerbated the instability problem and accordingly, a scheme of works was undertaken to shore up the slope using piling.

Clearing some of these large trees does however create an opportunity to utilise coppice of varying sized / aged trees to give a manageable, sustainable amount of tree cover. This should help with improved vistas and also the smaller trees will have less leverage on the soil, and hence would be less likely to result in a repeat of the example mentioned above.

It is hoped that a programme of tree clearing along the peninsula riverbank area could result in a similar outcome to that of a wood at Shincliffe. At Shincliffe, areas where trees have been felled have been seeded and many varieties of once naturally occurring wild flowers are now appearing and flourishing in the clearing. This approach could be adopted for the riverbanks area, creating many more exciting vistas and spaces for people to enjoy. Whilst this would obviously benefit biodiversity, it could also be an opportunity to update the classic "moth eaten" view of the Cathedral (i.e. from the opposite bank up towards the Cathedral taking in the Old Fulling Mill at the foot of the image). This could meet with some initial resistance, but ultimately it would result in a fresher and more spectacular view of the City's famous landmark.

The Cathedral's Management Plan for the trees within is to be submitted to the Forestry Commission, it then in turn will be circulated to the relevant stakeholders for consultation.

- **Witness in attendance, Mr Steve Ansdell – Horticultural Manager, Durham University**

Mr Ansdell, Horticultural Manager for Durham University spoke to Members on the topic of the Riverbanks from the perspective of the Durham University.

- Tree Management

Mr Ansdell reiterated many of the points made by Mr Williams as the University was in a very similar position as Durham Cathedral being a major landowner in the riverbanks area. Whilst the University has adopted a low intervention strategy as regards those trees that are within University ownership, though Mr Ansdell agreed that coppicing could be the best way forward as regards efficient management. The University would hope to follow Durham Cathedral's example as regards their Management Plan and produce a similar document to guide future works.

- Litter Picking

The University have staff that litter-pick on Palace Green and also the area from Windy Gap to the Old Fulling Mill. A resource that has been utilised to great effect in the past is that of volunteers from the University student body. There are volunteers that help with litter picking in problem areas from time to time, as well as those who are interested in helping with other environmental and wildlife projects. Channelling the energies of these interested volunteers could be useful in securing help for various projects in the future, including those associated with the Necklace Park.

- Other Features

The University supports the Riverbanks Garden Project and the many discoveries in and around this area which have remained hidden beneath undergrowth should prove to be of great interest to local and tourists alike. These include sections of the castle wall, an ice house and other small buildings

- The Future

The key to successfully managing the riverbanks will be to continue to work and build on the partnerships with all the relevant authorities and organisations. The reformed Riverbanks Management Group is an important forum for discussion of ideas and the Necklace Park Project is an excellent example of a way to take those ideas forward.

- **Questions from Members**

Members and Guests were asked to raise any questions on the topic with the Witnesses in attendance.

Drawing a parallel with the improvements to the woods at Shincliffe, Members wondered whether it would be possible to persuade the University Colleges to undertake some planting in the area from Elvet Bridge round to the Boathouse. It was noted that St. Cuthbert's Society were known to be interested in participating. It was also noted that there had been an incident in the past where students had helped to clear weeds from an area and, upon removing all vegetation, inadvertently precipitated a landslide. Accordingly, it would be advisable in the future to have any student or voluntary helper supervised by people with relevant technical knowledge.

The City of Durham's Head of Environment and Leisure Services inform the Panel that most complaints received by the Council concerning the riverbanks related to litter. To this end a number of additional litter bins have been placed along the riverbanks. Closer coordination between the City of Durham, the University and the Cathedral as regards litter picking could improve performance, and indeed it may be beneficial to have a full-time employee in place, funded between the three organisations. Durham Cathedral's Land Agent indicated that the Cathedral would welcome further discussions on this matter. It was noted that the Cathedral's Land Agent had been actively involved over the last 15 years as regards the issue of litter picking, by involvement with the Riverbanks Management Group.

Some Members asked whether works to improve the Riverbanks Gardens would require many trees to be felled. Obviously a number would be cleared for safety and to ensure structural integrity of any newly uncovered buildings and section of castle wall (a Grade 1 Listed Building).

To create the desired vistas from various locations it will require the removal of not only over-mature trees, but also of weeds such as Chick Hogweed and Himalayan Balsam. The latter displaces many other species of plants to the detriment of biodiversity.

The City of Durham's Head of Cultural Services noted that funding to kick start many of the necessary works was coming from various streams. This includes a £20,000 input from the Environment Agency. Also funding should become available from Sport England for the various clubs that use the river through Sports Club Agreements. Also ongoing work with the Rights of Way Section at the Durham County Council was leading to improvements to the footpaths along the riverbanks.

With the 2020 Visioning Exercise and the consequent Necklace Park Project, momentum is gathering and the scene is now set to move to the next chapter in the riverbanks story.

The Chairman and Panel thanked the Witnesses and Guests for their attendance at the meeting.

Actions for the next meeting:-

- Second draft Temporary Road Closures Review Report for consideration by the Panel.
- Draft Riverbanks Report for consideration by the Panel.

The Meeting terminated at 6.10 p.m.

DRAFT REPORT OF THE ENVIRONMENT SCRUTINY PANEL

SCRUTINY TOPIC – RIVERBANKS

1. BACKGROUND

The Cathedral and Castle are synonymous with Durham, situated on the peninsula surrounded by the looping River Wear. This area, along with the larger extent of the riverbanks, are key in further developing the City and its environs as a place for locals and tourists alike to enjoy the many gems along the river. Criticism of the under-utilisation of the riverbanks' potential is often levelled at the City of Durham Council, with one of the regular complaints being that of litter not only on the riverbanks, but also on the river itself.

The riverbanks area within the City Centre area has various planning policies in place that place special emphasis on the importance of the site. These include various listed buildings, areas of high landscape value and the Cathedral itself, being a World Heritage Site.

The riverbanks in this area have been maintained for many hundreds of years. This initially was in the form of bare slopes as a defence for the castle. Later this made way for gardens and landscaped areas. The current dense tree cover is relatively recent, increasing from the 1750's to the present state of cover approximately 200 hundred years later. Since the Second World War, there has been little active "management" of the tree growth along this stretch of the river with the predominant tree is the non-native Sycamore.

2. AIMS

It was the remit of the Panel to consider the issues relating to the riverbanks and to help clarify the responsibilities of the various stakeholders, and to see how the City of Durham Council contributes to the improvement of the riverbanks.

3. ACTIONS

The Panel were fortunate to have many witnesses both from within the City of Durham Council and from external organisations attend meetings to give Members information as regards the topic of the Riverbanks. Those in attendance from the City Council were the Head of Environment & Leisure Services, the Cultural Services Manager, The Heritage & Design Manager, and the Street Scene Technical Manager. Also they were representatives from Durham Cathedral, Durham University, Durham County Council's Rights of Way Section, the newly formed Necklace Park Project and an Officer from Durham Constabulary.

From these witnesses, the following information was obtained:

3.1 Land Ownership

The many issues relating to the riverbanks are further complicated by the nature of the land ownership along this section of the river. The City of Durham Council actually owns very little land alongside the riverbanks.

The major land owners are Durham Cathedral, the Durham University and the various Colleges that are based on the peninsula.

The Cathedral not only owns a significant amount of the Peninsula, but also the Cathedral owns a large area on the west of the river. In the areas where the Cathedral owns land on both sides of the river, the Cathedral is responsible for that particular section of the river.

Ownership outside of the City is more diverse, with many private landowners controlling large areas.

3.2 Litter and Maintenance

- Litter

Public perception is that the City of Durham, i.e. "the council", has responsibility for all the riverbanks and ergo the sole responsibility as regards litter picking.

The City of Durham conducts litter picking three times a week between Framwelgate Bridge to Prebends Bridge and the area of Council land close to the Count's House. The remainder of the riverside footpath from Prebends Bridge to Elvet Bridge is not litter picked by the Department. All the areas to be cleared must be accessible to Staff and therefore litter and light debris can be removed from the waters edge using long reach tools. As a safe working practise, Staff do not enter the water or work from inside boats to facilitate clearance of litter from the river itself.

The issue of river cleanliness (litter rather than chemical pollution) is important. It was noted that whilst the river was dealt with by the Environment Agency, the Agency now only appear to get involved where incidents of flooding occur.

A thorough cleaning and removal of waste alongside the river, around the peninsula area, was undertaken by the City of Durham. It is proposed that such an operation would be most effective if carried out twice per year, with possible assistance from associated water activity clubs, i.e. the Kayak Club (who helped in a similar fashion during a clean up operation approximately 2 years ago). This would negate the problem the City of Durham Staff have as regards access to the accumulated litter in the river which is not always accessible from the adjoining footpaths. Indeed a problem as regards plastic bottles within the river has been brought to the attention of the Council.

The remainder of the riverbanks, specifically those around the peninsula area, are litter picked by staff from the Cathedral and the University.

- Maintenance

As the City of Durham does not own most of the land alongside the river it therefore undertakes relatively few maintenance duties along the riverbanks. The City of Durham has however undertaken tree clearance works on land it does own close to the Count's House, where trees had fallen and blocked a riverside footpath.

The City of Durham also inspects and maintains the 7 lifebuoy stations from The Racecourse downriver to The Sands. Current arrangements are that missing or damaged lifebuoys/lifelines are replaced by the City of Durham. The lifebuoys and

lifelines are funded from the Council's Environmental & Leisure Services Department Budget.

The Dean and Chapter and the University are responsible for most of the remaining areas along the peninsula section of the riverbanks. This largely involves the felling and replacement planting of trees as well as the management of those all ready in place.

Currently, no regular grass cutting or footpath maintenance is undertaken within the peninsula area by the City of Durham. From Baths Bridge up river, the Council undertakes grass cutting of the immediate riverbanks on an annual basis at the request of the Regatta Committee. The open spaces alongside The Racecourse are maintained on a regular basis during the summer period.

The removal of fallen trees and heavy debris trapped on the weirs are usually attended to by the Environment Agency. Whilst trees blown into the river could be considered "rubbish" by some, it should be noted that they can be useful to wildlife, e.g. Cormorants.

The provision of sponsored / memorial bench seats positioned around the peninsula is administered by Cultural Services (Heritage and Design).

3.3 Tree Management

Work to maintain the tree population is predominantly undertaken by the Cathedral and the University, being the principal land owners

Within the Peninsula there are a number of large over-mature trees along the riverbanks and this can lead to problems.

- Durham Cathedral

In a case where a lime tree had fallen within land owned by the Cathedral, it was discovered that the centre of the tree was hollow, despite having new growth and leaves and otherwise appearing quite normal. Forestry Commission guidelines state a minimum safe distance of 12 metres (for a trunk diameter of 1-3 feet) around such over-mature trees. Obviously this would prove impossible to achieve along the riverbanks in Durham as this would effectively cordon off the entire riverbank area.

During a large storm in January 2005 a large tree which was braced against the wind was uprooted. This was thought to be due to the wind being rebounded from the Cathedral against the tree in the un-braced direction. This uprooting in turn led to instability in the surrounding soil (on a very steep slope). Removal of blanket coverage of some of the ivy at this location had further exacerbated the instability problem and accordingly, a scheme of works was undertaken to shore up the slope using piling.

Clearing of some of the larger trees does create an opportunity to rethink and update the classic, perhaps "moth eaten", view of the Cathedral (i.e. from the opposite bank up towards the Cathedral taking in the Old Fulling Mill at the foot of the image). Care would need to be taken as this could meet with some initial resistance. Ultimately however, it should result in a fresher and more spectacular view of the City's famous landmark.

Also by coppicing areas where large over-mature are removed with varying sizes, types and ages of trees it should be possible to give a manageable, sustainable amount of tree cover that can create new exciting vistas and help to enhance existing "classic" views. Also the smaller trees will have less leverage on the soil and would be less likely to result in a repeat of the landslide mentioned above.

The Cathedral hope that a programme of tree clearing along its peninsula riverbank area could result in a similar outcome to that of the wood at Shincliffe. Here, areas where trees have been felled have been seeded and many varieties of once naturally occurring wild flowers and these are now appearing and flourishing in the clearing.

The Cathedral's Management Plan for the trees within its land is to be submitted to the Forestry Commission, it then in turn will be circulated to the relevant stakeholders for consultation.

- Durham University

The University is in a very similar position as Durham Cathedral being a major landowner in the riverbanks area. Whilst the University has adopted a low intervention strategy as regards those trees that are within University ownership it is agreed that coppicing could be the best way forward as regards efficient management. The University would hope to follow Durham Cathedral's example as regards their Management Plan and produce a similar document to guide future works.

3.4 Ongoing Projects

3.4.1 Riverbanks Gardens

A major project on the peninsula section of the riverbank is that of the Riverbanks Gardens. An external Consultant to review the situation and provide the report outlining action that could be taken. This consequently led to proposals to restore a small section of gardens, to proposals for conservation work to be carried out on sections of the Castle Walls and to update the management strategy of the tree coverage and improve access. Although the proposals would maintain good tree cover, any removal of trees may result in negative feedback from the public. It would be necessary to educate the public as to the many benefits of such a reworking of the riverbanks, and indeed as to the various roles the riverbanks have played through history and of which the current situation can be described as one of slight neglect and overgrowth.

A lot of interesting artefacts have been discovered in the area where the Gardens are being restored, and these would no doubt be of great interest to any visitors to Durham. Access would naturally need to be improved in order to cope with this increase in interest and issues relating to the security of neighbouring Colleges' land have been noted.

3.4.2 2020 Vision

Within the 2020 Visioning exercise one area identified was that of a need for a comprehensive lighting strategy to help improve the appeal of the City. Whilst the Cathedral benefits from "stage lighting" and College buildings alongside the river have lighting for security and access purposes, the natural state is that of darkness. This would be to the benefit of nocturnal wildlife, though there are some calls for

improved (increased) provision of lighting at Prebends Bridge for the safety of students at night.

Another area identified as requiring an increase in provision is that of signage throughout the City and similar to the lighting situation, a signage strategy will help to deal with the many disparate styles that exist and develop a complete package for Durham City.

Also within the Masterplan for the City, an additional footbridge is proposed onto the peninsula from Parson's Field (encouraged by the Cathedral). This option has generated mixed reactions, and would obviously require further development and consultation.

An event for this summer is organised between the 2020 Visioning team and IML Concerts involving live music on the Old Racecourse (owned by Durham University) which is one of the areas that form part of the new Necklace Park.

3.4.3 Necklace Park

- Overview

The Necklace Park Project was one of the suggestions to come out of the 2020 Visioning exercise to help improve Durham City Centre. It was felt that there was not enough access for the public to the riverbanks area, not only in physical terms, but also in terms of knowledge, i.e. the history and heritage of many of the "jewels" situated along the River Wear. After the idea was originally put forward from the visioning exercise, initial discussions led to a consensus that the peninsula area within the City Centre was fairly well established and perhaps it would be more beneficial if the aim of the Park could be to help bring local communities together via the river in order to help create a greater sense of inclusion for the Residents of the Durham.

As the Necklace Park has only funding for two years (approximately 18 months remaining) the expectations of the public will need to be managed carefully. The idea that the Necklace Park could include a stretch of high quality (and appropriately sympathetic) footpath along both sides of the river between Finchale Priory and Sunderland Bridge would be ideal. However, in reality this would prove impossible with the time and resources available to the project.

Accordingly, to maximise the potential of the project with the resources available, it will necessary to pick specific projects that could be realistically achieved. However, it should be noted that the Project could also act as broker between those wishing to develop ideas though may not have access to the relevant information relating to obtaining potential grants or funding.

Whilst certain attractions already have an adequate parking provision, e.g. Houghall College, it was hoped that by planning sensible routes between areas with existing parking that issues relating to parking could be mitigated. Also it is hoped that the County Council Park and Ride Scheme should be utilised as a means of environmentally friendly access to the City and the Park.

One of the challenges facing the Necklace Park is that of persuading private Landowners that there is genuine benefit in having the Park cross areas of their land. Rather than set up new forums for this, it was intended to use existing groups to facilitate discussions with Landowners. The Public Rights of Way Team from the

County Council are also helping with this issue, and also help from Local Councillors with good working relationships with landowners would be of great assistance to the Necklace Park team.

It may be advantageous to encourage cycle hire within the city centre as the Necklace Park takes shape, though previous attempts by private businesses to establish cycle hire facilities had not been particularly successful.

- Finchale Priory Circular Walk

Finchale Priory is one of the treasures alongside the River Wear, with many people enjoying regular walks around this area. However, much of the land in the area is in private ownership and this is a potential obstacle to obtaining the maximum benefit from the area. The M.P. for Durham, the Right Worshipful The Mayor of Durham and Durham County Council's Rights of Way Section have been consulted regarding permitted access to the area around Finchale Priory. Also, Northumbrian Water has been contacted as regards the continued use of "Pipe Bridge". Northumbrian Water initially wished to have access across the bridge stopped to prevent damage to their lines. The County Council's Bridges Team may take on some areas of responsibility in order to maintain public access.

- Frankland Viaduct

Frankland (or Brasside) Viaduct was an important link between Belmont and Newton Hall which has fallen into disrepair. Many local people have expressed an interest in the restoration of this route and indeed Sustrans, a cycle charity, are interested in becoming involved. The land on which the viaduct sits is owned by the Durham County Council. Prior to any works, a structural survey would need to be carried out (currently ongoing), and also any adverse impact that reopening the route may have on biodiversity would need to be assessed. This route could have a positive impact in economic and environmental terms via people using the route for commuting, creating more opportunities for businesses to take advantage of the passing trade. Also traffic could be reduced as people may opt to cycle or walk along the much more direct route between Belmont and Newton Hall.

- Old Durham Gardens

The Necklace Park, in partnership with local people, has begun work on a tile mural to be located within the Old Durham Gardens grotto. Students from New College Durham are to produce the mural, with the work to be completed by Easter 2007. The City of Durham's Heritage & Design Manager is involved with this project.

- Houghall College Farm

East Durham & Houghall Community College operates Houghall Farm and the College is keen to open the farm to the public, which hopefully in turn will bring in visitors to other nearby attractions such as the Houghall Discovery Trail and the wetlands area. The College is working with the Necklace Park team towards securing funding to help this.

- Virtual Park

One of the key aims of the Necklace Park is to improve the access and quality with a minimal "footprint". An excellent way of being able to achieve this is to, rather than

have intrusive and costly interpretation panels (which cannot be updated easily and would require regular maintenance), use an online “Virtual Park” to mirror the actual park and to also provide additional value by way of a greater depth of information and experiences than would be on the ground alone, i.e. history, stories, wildlife information etc.

3.4.4 Funding

The Riverbanks Gardens project received funding from the Heritage Lottery Fund to produce a conservation and management report, a vital initial stage. Funding requirements for this project are estimated at £4.5 million, and even with funding from the Heritage Lottery Fund, an amount of £1.125 million would still need to be raised. Approximately £1 million may be identified via the County Durham Economic Plan but this remains to be confirmed. Competitive bids to obtain this would still be required.

In addition, funds have been sourced from the Local Transport Plan through the County Council to allow for improvement to the area at “Windy Gap” an access point to the riverbanks from Silver Street. Another area where the City of Durham is actively involved is regarding a historic part of the City Wall, located near to Kingsgate Bridge on land where ownership is unclear. This section contains the “Kingsgate Postern” and it may be possible to attract English Heritage funds if it can be allocated the status of being a “listed building at risk”.

A risk is that as times change, requirements for the obtaining of various grants change too. In addition, the 2012 Olympics may draw away a lot of funding from other “outlying projects” i.e. those not within London. The Wharton Park Heritage Lottery Fund process is providing a lot of useful information relating to the obtaining of such grants and this knowledge could hopefully be applied to the Riverbanks Gardens project. Factors that would need to be considered are those of an increased involvement from the community; an increasing visitor / tourist use; an increased provision of access especially in light of DDA rule changes; a reassessment of the location of the restored garden and improved formal agreements to working in partnership.

As regards access issues, it should be noted that various groups are being consulted, e.g. The Disabled Ramblers. It can be often the case that rather than a whole raft of extensive groundwork, people simply require information regarding what paths are currently suitable for use by various groups, i.e. wheelchair, pushchairs etc. However, in some cases it may be necessary to improve the path on the ground; an example of this is the need for wider access along the bridge over Old Durham Beck, near Maiden Castle. Work regarding this is underway with the Necklace Park Officers working with the Durham County Council Public Rights of Way Section, the Durham County Council Bridges Team and the Disabled Ramblers towards securing the necessary funds to achieve this goal.

Ideas for potential projects for the Necklace Park could come from the public however, as the funding for the Park was granted from the Economic Regeneration Fund of the Regional Development Agency, ONE North East, it would be necessary to take those ideas and develop them so that they are presented in such a way to meet the relevant criteria in order to successfully access the funding.

The Frankland Viaduct project within the Necklace Park is a project that may become short listed to be entered into the live television programme Big Lottery, which has an overall fund of £50 million available.

3.5 Policing along the Riverbanks

- Officer Provision

Currently within the City Centre area, along with “core” Officers there are two City Centre Beat Officers and two Community Support Officers who assist. The Community Beat Team comprises of sixteen Beat Officers split into two areas, Framwellgate & Meadowfield and Sherburn & Bowburn. This includes the two City Centre Officers, though if required, Beat Officers from the surrounding areas can be brought in to assist.

- Riverbank Patrols

Whilst there is not a formalised patrol route along the Riverbanks, Officers often use the Riverbanks as they are an integral part of the footway network of the City Centre. It should be noted that when Durham Constabulary trialled a scheme to provide Officers with mountain bikes, the Riverbank areas were patrolled quite regularly as the Riverbanks proved a particularly efficient means of getting across the City quickly and safely.

- Appropriate Response

Where incidents of drunkenness, anti-social behaviour etc. are reported, a priority rating is given and then Officers on the ground are given this information so they can respond accordingly. Also Officers use all information available to them to try and pre-emptively act, i.e. sources within the University, Cathedral etc. can provide indications of new “hotspots” that may arise along with those that are well known i.e. St. Hild & Bede’s Boathouse, Bandstand and the former Bowling Green.

- Lighting Provision

Whilst the Police would encourage any action that would help to prevent potential incidents, it was noted that an attempt by the University to have additional lighting along Prebends Bridge was met with some resistance from the Durham Cathedral. Police advice is that those using the riverbanks at night should only do so in groups, and only if strictly necessary as other routes on to the peninsula exist.

4. OUTCOMES

The Panel discussed the information gathered on the topic and noted the following:-

- The Panel agreed that information as regards the City of Durham’s ownership and the work it undertakes along the riverbanks should be made available to the public in some form. It may be useful therefore to feed back the views of the Panel to the Durham Riverbanks Management Group in due course so that a statement from the Group could then be used, if agreed, as an article within Durham City News.
- Members thought that it could be beneficial, to help raise awareness of the Necklace Park project, to have some form of “console” located within the City of Durham Tourist Information Centre (TIC, currently located within the GALA Theatre) enabling access to the proposed Virtual Park. An opportunity may also

be available to have similar devices or access within the new hotel developments within the City, so that visitors to Durham have access to information upon their arrival. The Panel was informed during a meeting that the City's Tourism & Conference Officer was involved with the signage strategy which may incorporate a scheme involving the TIC, and also that there are plans to work with the Clayport Library for use of computers there to gain access to the Virtual (Necklace) Park. The Members were also informed that indeed local hotels were "crying out" for additional information for tourists, and that work regarding this was ongoing in conjunction with the County Durham Area Tourism Partnership.

- Members were concerned that if trees were felled in areas along the riverbanks within the City, i.e. those areas identified as being for restoration to cultivated gardens, care should be taken to protect wildlife that has taken hold in such areas. The City's Heritage & Design Manager pointed out that the current, almost uniform, dense coverage of sycamore trees provided only *one* type of habitat which only lends itself to a narrow range of plant and animal species. By opening up certain areas and encouraging plant diversity, insect and animal diversity can only increase as a result.
- A Member raised the issue of the risks associated with the use of the river by the many groups, i.e. anglers, canoeists etc. The Heritage & Design Manager reiterated that a formal Agreement is being sought so that the relevant landowners and interested parties are protected, with a Code of Practice to be incorporated into any such Agreement. The risks associated cannot be entirely removed by the very nature of the activities however, by agreeing a code of practice for canoe users the risks of accidents and arguments can be mitigated to a certain degree.
- A Councillor wondered whether Voluntary Groups could be utilised to help achieve progress in relation to riparian projects. The Heritage & Design Manager agreed that this could be useful, and indeed was required to satisfy Heritage Lottery Fund conditions but pointed out that it must be understood that these types of projects require a significant injection of cash to enable the "hard" improvements that are needed to reach conclusion with these projects. A resource that has been utilised to great effect in the past is that of volunteers from the University student body. There are volunteers that help with litter picking in problem areas from time to time, as well as those who are interested in helping with other environmental and wildlife projects. Channelling the energies of these interested volunteers could be useful in securing help for various projects in the future, including those associated with the Necklace Park.
- Members also wished to be clear that any support of the Frankland Viaduct cycle route should not be taken as either a condemnation of the proposed northern bypass or backing of any other proposed bypass road route.
- Whilst Members agreed that improved access to the Riverbanks was in general a good thing, there were concerns as regards how to encourage (and if necessary police) responsible use of the Necklace Park. As the Park goes near to or indeed through working farmland and Sites of Special Scientific Interest (SSSIs) it is hoped that users initially would find out information from the Virtual Park as to the appropriate way to use and enjoy these areas. It was noted that the County Council's Ecologist would be consulted by the Necklace Park team as regards the correct information.

5. RECOMMENDATIONS

The Panel came to the conclusion that the subject of the Riverbanks was an important one that the City of Durham Council should be actively involved with. Whilst the City of Durham is not a major riverside land owner by comparison with other organisations and Authorities, improvements to the riverbanks are vital in order to help achieve the aims of the Council, i.e. Capital City and therefore the City of Durham should aim to have a strong say in what happens to the riverbanks.

Therefore the following recommendations are made by the Panel:-

1. The Panel compliments the reformed Riverbanks Management Group on the progress being made, and feels that it is essential that the City of Durham maintains strong representation on this group.
2. The Panel sees value in the work that the Necklace Park Project is contributing to the improvement of the Riverbanks and recommends that the City of Durham continues to support the idea of the project.
3. The Panel recommends that the possibility of appointing a Litter Picking Operative, to be jointly funded by the City of Durham and the other major Land Owners, be raised at the Riverbanks Management Group.
4. That in order to help facilitate the work ongoing to achieve the Council Corporate Priorities of a "Capital City" (To Protect Heritage, City for Cultural, Recreation & Tourism, and to Enhance Local Economy), a budget of £20,000 be allocated.

ENVIRONMENT SCRUTINY PANEL

FIRST DRAFT REPORT (REVIEW) – SCRUTINY OF TEMPORARY ROAD CLOSURES WITHIN THE CITY OF DURHAM AREA

The Panel was tasked with reviewing the previous Scrutiny topic of Temporary Road Closures.

1. BACKGROUND

The City Council has the power to temporarily close roads under the Town Police Clauses Act (TPCA) 1847 for such events as parades, street parties etc. It was noted that the City did not have a Policy for the granting of such road closures. Consequently, a Policy was drafted, and was adopted by Cabinet, April 2005 (Minute 578).

Overall, the Policy was believed to be working well by the Officer who issues the Temporary Road Closure Orders (TRCOs). However, Members were worried that the cost of the *whole* procedure organising an event which requires a temporary road closure, i.e. the cost of insurance and of suitable traffic management, was becoming too expensive for small village organisations to bear and wished to have further information relating to this matter.

2. AIMS

To provide Members with further information relating to the issues connected with the obtaining of a TRCO from the City of Durham and to amend any current policies and procedures as deemed necessary.

3. CURRENT STATUS

3.1 Current Procedure

Following the scrutiny of the subject of Temporary Road Closures in July 2004, a Policy was produced and approved by Cabinet 04 April 2005. At the meeting of the Panel 19 July 2006, the Legal and Democratic Services Manager informed Members that in general the Policy was working very well.

It was noted that a number of applications that previously been received annually had ceased to be submitted. This was thought to be due to the increased cost of the traffic management and associated insurances, rather than the City of Durham fee of £25 for issuing the Order (which is considerably lower than many other Authorities with some being as much as £350). Also it was noted that a previous regular Applicant had modified their event so as to not involve use of the highway, negating the need for an Order to be issued.

3.2 “Problems” with Current Procedure

It was noted that some organisations that had applied for a TRCO were not attending a meeting of the Safety Advisory Group (SAG), which is advised within the Temporary Road Closure Application Form Guidance Notes.

Whilst it may be possible to state that attendance was mandatory, some event organisers felt that they were being discriminated against as the SAG meetings are held during working hours.

Until recently, the Officer who administers the TRCOs did not received minutes of the SAG meetings, though this situation has now been remedied.

Whilst the current Policy recommends that the Applicant hire a traffic management company to organise the putting up of requisite Notices and the running of the closure on the day, it does not insist on such a requirement. It is an offence if such Notices and traffic management is not carried out by a company or person who has undergone the relevant training and has an appropriate qualification. By not insisting upon the use of qualified persons, the City of Durham could be viewed as condoning such an offence.

Within the guidance notes that the City send out with the application form for a TRCO, there is a sentence to note that the Applicant should perhaps consider the use of alternative routes that would not use a section of the highway. It may be that this could be altered to emphasise the Police and Highways Authority general guidance towards such events, i.e. that if at all possible try to organise them as such that a road closure is not required by holding the event on an area of land off the highway and question whether parades or marches could not be staged on a large open space, rather than along a section of highway.

4. FURTHER INFORMATION

At the Panel meeting 19 July 2006, Members were keen to find out more information as regards what was required of organisers when holding events that required a TRCO as it was an issue the Members were often asked about. The main issues usually brought up with Councillors were:

1. What was the role of the Police as regards these types of road closure?
2. What was the reasoning behind the need for traffic management companies?
3. Why was liability insurance required on the part of he organisers?
4. Why would the "Council" not provide the traffic management and insurance?

4.1 Presence of Police at Temporary Road Closures

In the past the Police had provided Officers to manage the traffic management of road closures but due to resource issues it was no longer possible to provide this service. Since the 1970's the Association of Chief Police Officers (ACPO) Traffic Committee have actively discourage the use of highways for sponsored or charity events on the grounds of road safety.

However, in 1999 a Public Safety Policy was produced by ACPO setting out the Police position which was to not support any event on the highway unless there had been a risk assessment carried out, there was an appropriate insurance policy in place for the event, and that road closure was obtained with the relevant traffic management being in place.

In Durham if all these criteria were met, the Police would try to have some representation in the form of Community Support Officers or local Beat Officers at the event though purely as a "Police" presence, rather than assisting with traffic management. However, where there is a perceived risk to the integrity of effective emergency service provision i.e. routes becoming impassable, the Police may then provide assistance in this regard, an example being a large event such as the Durham Miners' Gala.

4.2 Traffic Management

As Police Policy denotes that they would be unable to provide traffic management (except in exceptional circumstances) organisers of events would need to provide traffic management for the event. This has two main aspects, one being the implementation of the correct signage to be in accordance with Traffic Signs Regulations and General Directions 2002 and Traffic Safety Measures and Signs for Road Works and Temporary Situations 2006. The other aspect is the relevant number of qualified operatives on the ground to carry out the road closure.

As regards both of these, the relevant qualification is the Lantra Award Sector Scheme 12D, a relatively new qualification. It should be noted that only those people suitably qualified (either through 12D or other qualifications for other types of road closure / works) are legally allowed to place signs on the highway, members of the general public may not. Again the signs themselves must conform to legislation.

Teesdale District Council attempted to help local event organisers obtain the relevant 12D qualification and whilst this was in theory a good idea, it became apparent that the issue was more complex than initially thought. The qualification is in multiple units, with some requiring hands on training with the requisite conforming vehicles and signage. This equipment is quite specific and not inexpensive and may well be beyond the budgets of events organisers. Also any provision of the equipment by Local Authorities would not be cost effective as any *subsidised* cost would unlikely cover costs / maintenance of the equipment and any *full price* provision would be a duplication of private sector facilities and have ongoing implications for Local Authorities budgets, i.e. staffing, physical storage etc.

Problems are compounded by the need for correctly prepared Risk Assessments and Traffic Management Plans which require more units from the 12D qualification (or similar). In addition, as events sizes scale up, the number of people required on site during the closure increases. A "Supervisor" role is required with "Operatives" working below them to carry out the closure correctly and safely. Upon inspection, the "going rate" for Operatives appears to be between £7-10 per hour, with the rates for Supervisors obviously being greater. These are all additional costs not immediately apparent when considering training for an Event Organiser's staff or Local Authority Officers.

Additionally, the Durham County Council being a statutory consultee in the TRCO procedure have requested to see comprehensive Traffic Management Plans prior to any agreement on their part.

Speaking to some traffic management companies, the cost of a small event would be in the order of £500 plus, though this would obviously include the relevant signage and qualified staff.

4.3 Liability Insurance

Another consideration for organisers is that of sufficient liability cover for the event. After brief consultation with some insurance companies the basic scale of fees for such insurance seemed to be of the order of £250 for cover for 1,000 people at a cover level of £5 million

Whilst some insurance companies *would* provide liability insurance for certain events, some would either require “events insurance” (a more expensive premium) or indeed would not provide cover for the part of the event that involved the members of the public on the highway, as the cover is for the event rather than the road closure. It therefore could be that even at an event with Liability Insurance in place, an event organiser may not have the *correct* cover in place in the event of an incident occurring on the temporarily closed road.

It should be noted that whilst many Authorities require a level of cover of £5 million plus, the City of Durham currently only states within its policy “That the Applicant shall be responsible for ensuring that appropriate insurance is in place for the event which requires the Road Closure”. It may be necessary to state a minimum level of £5 million cover as a being required, or indeed more as deemed appropriate.

Also on the pro forma for completion by event organisers, the form states “If my (the Applicant) application is successful I confirm I will: - 1. Make suitable arrangements to manage the event, 2. Arrange suitable insurance for the event during the period of the Road Closure.” This could be interpreted that a TRCO could be agreed to prior to traffic management being arranged and the insurance cover being finalised. It may be that event organisers may not be able to secure such insurance or traffic management prior to the approval of a Temporary Road Closure Order. If this is the case, it may be possible to *approve* the order upon receipt of enquires or quotes from traffic management companies and insurers, then *issue* the signed and sealed Order only upon confirmation of the traffic management and insurance being obtained. However, this may have a negative effect in that the additional time required for this stage could mean application would need to be submitted even further in advance.

Also it should be noted that the level of insurance carried by Traffic Management Companies tends to be in the region of £30 Million as opposed to those levels listed above.

4.4 “Council” Provision

Whilst ideally “the Council” would provide all services that the community requires, it is not always possible either due to no powers to act or lack of resources to undertake the appropriate action.

Whilst the Durham County Council operates road closures for works to the highway and issue Temporary Road Closure Orders for public utilities companies when carrying out works, these are under different legislation and are not similar to those the City would issue under the TPCA 1847.

Whilst there are a number of possible options that may be available for pursuit, in the light of the recent Local Government White Paper and subsequent bids for reorganisation Members may wish to consider the matter further prior to making any decisions.

5. EXAMPLES WITHIN DURHAM

Some Members had queried that whilst the Police would not as a matter of course provide traffic management for events, they appear to be present at many in that role. These include the Durham Miners' Gala, the Annual Fireworks Display at Aykley Heads and the Christmas Lights "Switch On" in the City Centre Market Place.

As regards the Miners' Gala, due to the large scale of the event and the obvious impact of the sheer numbers of people involved, public safety and the integrity of emergency service routes are the key reasons behind the Police presence.

The Annual Fireworks display is a joint event held by the Police Authority, The Fire Service and the Durham County Council, accordingly the Police are the organiser of the event and it would not be cost effective for them to hire in external traffic management for this event when they (their Officers) have the requisite powers and training to carry out the management of the closure.

Upon speaking to the Manager of the Durham Markets Company who headed up the organising of the Christmas Lights Switch On for the Durham City Forum, I was informed that whilst there was a Police presence in the market place on the night of the switch on, the Officers were there in their capacity to maintain public order. Indeed, the Forum had been required to hire a traffic management company at the standard rate the same as any other event organiser. This was also the case for closures connected with the Christmas Festival activities as well.

Researching experiences of events organisers from up and down the Country, an interesting passage from the website of "Run Liverpool" (a Race Organisation) was worthy of note where an insufficient Traffic Management Plan (TMP) had prevented a Road Closure Order from being issued, therefore causing an event to be postponed:

"...the traffic management plan will have to be resubmitted to the local authority with their timescale being six weeks from approval to process a Temporary Road Closure Order. This will no doubt seem an extremely long time by most runners – but it must be understood that we are dealing with legislative process. The days of simply putting on an event on are long gone. Perhaps we have become victims of our own demands, particularly with the 'blame and claim' mentality that exists in some areas of our society."

6. RECOMMENDATIONS

Accordingly, the Panel put forward the following recommendations:-

1. That the City of Durham continues to use its successful Temporary Road Closures Policy.
2. That the Temporary Road Closure Form is amended to highlight the possibility of obtaining funding from the City of Durham and that an Event Organiser should contact the relevant Community Development Officer accordingly.
3. That the Community Development Officers make any Events Organiser who may approach them for funding that they would need to take into account the cost of a Temporary Road Closure, including the costs of Traffic Management and suitable Liability Insurance, should the event at any time be taking place on the highway.

