

5 January 2023

Ms Louisa Ollivere  
Planning Development Central/East  
Room 4/86-102  
County Hall  
Durham City  
DH1 5UL

Dear Ms Ollivere

**Lichfields' letter responding to comments received  
in relation to applications DM/22/02346/FPA and DM/22/02347/LB**

The Trustees of the City of Durham Trust have considered Lichfields' letter to you dated 13 December 2022 and have resolved to submit the following comments, arranged in the order that the issues appear in the letter.

**Costs**

Lichfields say:

*"The costs do not account for any weathering/damage caused since the dismantling took place but, as explained below, the impact of this is minimal as most damage to the mast has been caused through the demolition process itself which in turn was unavoidable due to the nature of construction."*

In fact, Ove Arup Partners - the designers of the mast - provided in 2012 a detailed technical specification for the dismantling and re-erection of the mast. This should have been implemented exactly as specified, in which case the damage attributed by Lichfields as unavoidable due to the nature of construction should not have occurred.

The Office of Ove Arup Partners confirmed on 13 October 2022 that *"Having reviewed the mast condition report as the original designers, there is nothing contained in it that cannot be locally repaired to allow re-construction as required and proposed by the original planning submission. The study we provided at the time regarding take down and re-build identified that it may be necessary to cut back and recast or repair areas at the connection positions and that it may be necessary to make a new key block and cast-ins. We understood the report was to be used to prove feasibility and allow evaluation of an adequate budget to be set aside for the dismantling and re-erection of the mast."*

The Trust considers that the costs section of Lichfields' letter is unhelpful in blaming the original nature of construction for the estimated cost of repair and reconstruction. We are unaware

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whether the contractors appointed to dismantle the mast were required by the authority to do so in accordance with the Ove Arup technical specification and whether these works of demolition were fully compliant with that specification. What matters now is that the estimate of costs of repair and reconstruction is £496,000 which lies comfortably within the funds obtained by the Constabulary in selling the site.

## Original funds

Lichfields report that the Constabulary explain:

*“When we first sold the old HQ site we anticipated around £6M net capital receipt for phase 2. We subsequently reduced the estimate to £4M and now it is expected to be £1.2M. This puts more pressure on revenue contributions to capital which are severely limited due to rising inflation, unfunded pay awards and increased service demands. The scope to borrow money to invest in assets is limited due to the need to repay the debt over a very short timescale. The proceeds from the mast were used to fund investment in technology which has been central to Durham’s achievements in terms of external inspection by HMICFRS where the force has been judged to be outstanding for 5 consecutive years.”*

We appreciate that the precise amount of the anticipated net capital receipt from Phase 2 of the proposed residential development would not have been known at the outset. However, no explanation is offered for the anticipated £6 million capital receipt shrinking to £1.2 million. We believe the Police Authority should have budgeted acting on a worst case basis rather than on the most optimistic figure and should have given priority to its obligations pertaining to the listed radio mast.

We are also intrigued by the phrase *“now expected to be £1.2 million”*. This indicates that the Constabulary has not yet received any funds from the Phase 2 sale for housing development. If that is so, then this Phase 2 anticipated receipt has not funded *“investment in technology which has been central to Durham’s achievements.....”* and it is a red herring to pray that in aid for the current issue about the mast.

Notwithstanding that, a solemn undertaking was given when planning permission was granted that the mast would be re-erected at the new HQ, and so the requisite amount of funding should have been set aside from the capital receipt instead of being absorbed into the general budget. The Constabulary appears to be the author of the problem. Without securing planning agreement the sale and move would not have been possible and this was dependent on the agreement to relocate the mast. The agreement is one that that could reasonably be expected to be upheld by the Constabulary as a public body and ensured by the County Council. There is a public duty that is being ignored in now seeking to not erect the mast.

In looking at public benefit, what the limited cost appraisal is lacking is any indication of the loss to the public of the mast as key example of both a renowned architectural practice’s work and an architectural style.

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## Damage

Lichfields say:

*“The mast has been subject to freeze-thaw weathering over the years since dismantling; however, structural engineers Roscoe have confirmed that this has not been exacerbated by the mast lying in its current position rather than being erect (i.e. it would have happened to the structure regardless).”*

The Trust notes this and assumes that this not a factor preventing erection after local repair as indicated by Ove Arup in their correspondence with the Trust. It was possible for the Constabulary to have avoided this damage by better storage post erection, rather than the rather poor arrangement of simply leaving it lying on the ground and carelessly exposed to the weather.

## Safety

Lichfields say:

*“Additionally, there are safety risks associated with the erection of the mast in close proximity to the occupied HQ. The mast was proposed to be sited adjacent to the building. In order to safely erect the mast, the HQ building would have to be evacuated during the entire construction process which could take several days. This would have significant consequences in terms of the functioning of the Constabulary’s police function as the HQ is in use 24/7 and relocating the service would have considerable logistical and financial consequences.”*

The Trust is open to suggestions of a location that relates to the new HQ without being so close as to require evacuation for several days.

## Options appraisal

Lichfields explain that:

*“A 5<sup>th</sup> option has been added to the above table for consideration since the submission of the applications. This is for the mast to be retained but not re-erected. Following discussions with the City of Durham Parish Council, this option has been developed. The Parish Council have acknowledged that the re-election (note, we have not corrected this slip) of the mast at this stage would not be a viable option and have therefore set out a compromise solution which the Constabulary have considered. It is proposed that the mast elements (3no. legs, keystone, and point) be retained horizontally. It is proposed that these elements be incorporated within the grounds of the HQ as part of a sculpture-type addition. This would utilise the mast as an artistic/cultural feature within a landscaped area, with information boards setting out the history of the mast and details surrounding the structure. The Constabulary has reached out to the Parish Council to discuss this proposal in greater detail. It is considered that this is the best solution for the mast, as a compromise given the reasoning set out above which means re-erection is not a viable option. This compromise retains the mast in some form, allowing its significance to be appreciated. It is, however acknowledged that this will cause substantial harm to the listed mast.”*

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The Trust cannot accept an option that comprises a few parts of the mast lying horizontally somewhere; to quote the vivid phrase expressed at the recent meeting between the parties, this would be a **monument to planning failure**.

## **The Trust's conclusions**

We have already expressed our objections to the planning and Listed Building applications to demolish the Police Mast. The letter from Lichfields commenting on the objections does not in our view, for the reasons set out above, diminish any of the grounds upon which we have objected.

Yours sincerely,

**Francis Pritchard**

Secretary, City of Durham Trust