

**DURHAM COUNTY COUNCIL**

**At a Special Meeting of the Highways Committee held at the Parish Rooms, Monteith Close, West Auckland, County Durham on Tuesday 13 October 2009 at 3.00 pm**

**Present:**

**Councillor J Robinson in the Chair**

Councillors Arthur, Burn, Hancock, Taylor, Todd, Tomlinson and Wright

Apologies for absence were received from Councillors Bainbridge, Foster, Morgan, Shiell, Stradling and R Young

**A1 Declarations of Interest**

There were no declarations of interest in relation to any items of business on the agenda.

**A2 Public Footpath No. 21 West Auckland, Wear Valley – Proposed Public Footpath Diversion Order**

Prior to the commencement of the meeting, Members of the Committee had viewed and walked the site.

The Committee considered a report of the Corporate Director Regeneration and Economic Development to consider an application to divert part of Public Footpath 21, West Auckland (for copy see file of Minutes).

The Corporate Director Regeneration and Economic Development advised that since the report had been written, a further email had been received from the Open Spaces Society and a copy of the email was circulated at the meeting (for copy see file of Minutes).

Mr S W Nixon speaking on behalf of the owner of the field, Mr Harris, referred to the map attached to the report as Document B and explained that the diversion is sought by the owner of the field to benefit its agricultural management by moving the path from across the middle of the field to the edge. He commented that it is difficult to preserve a strip through the centre of the field when a crop is growing and a strip around the boundary is easier to maintain as this is unlikely to receive fertiliser. The proposed route to the western extent is also preferable from the point of view of access for the general public.

Mr Colin Mairs, occupier and farmer of the land commented that the land is approximately 16 acres and the path going across the centre of the field

causes difficulty. The diversion would enable the field to be used more freely as arable land for rotation.

Hazel Charlton, Chair of West Auckland Parish Council, commented that the Parish Council have no objection to the diversion adding that it is easier to walk the path situated at the side.

Jo Bird, representing the Open Spaces Society advised of the Society's objections to the diversion. She commented that people walk several specific routes in and around the field and there are stiles in two places leading off Footpath 22 which indicates two routes. Ms Bird referred to letters received from the Local Authority in response to letters of objection from the Open Spaces Society and questioned the response that the site had been visited by officers from the Authority, as, Ms Bird was of the opinion that officers would not have promoted the proposed diversion in the interests of the landowner, had a site visit taken place. Ms Bird commented that the proposed diversion would not change any of the use of any of the paths, either definitive or non-definitive and the proposed diversion would therefore be of no benefit to the landowner. Ms Bird added that she is aware that West Auckland Parish Council is seeking to have a number of paths added to the definitive map, however, not all Members understand the process or know of the existence of the definitive map. In conclusion, Ms Bird recommended that the Committee consider the diversion of Footpath 21 across the middle of the field in order to place it along the line of cultivation.

The Corporate Director of Regeneration and Economic Development reminded Members that consideration can only be given to the proposal contained within the report. The Committee were assured that site visits had taken place by officers from the Authority and, consultations had taken place with the former District Council and the Ramblers Association and no objections to the proposal were received. In addition, there is no evidence to support Ms Bird's assertion that public rights of way have already been acquired on the proposed route.

Councillor Wright asked Ms Bird whether any representatives from the Open Spaces Society live in West Auckland. Ms Bird replied that the organisation is a small registered charity which works to protect public rights of way.

Councillor Tomlinson commented that, having walked the route, he saw no clear evidence that Footpath 21 is well used.

In response to a question from Councillor Arthur, Ms Bird replied that she had not walked the definitive route across the field but that she had walked straight across and around the field and concluded that straight ahead was a better route for the diversion of the path.

Councillor Burn commented that she considered walking around the side of the field a more sensible route as it is more sheltered and less exposed to the elements. Councillor Wright questioned Mr Mairs as to whether livestock are kept on the field. Mr Mairs replied that livestock were kept on the field last

winter and he added that it is safer for the public to walk around the side of the field when livestock are in the field.

Councillor Todd commented on the lack of evidence to suggest that Footpath 21 is well used.

Upon a vote being taken it was:

**Resolved:**

That a Diversion Order be made with respect to part of Footpath No. 21 West Auckland under the provisions of Section 119 of the Highways Act 1980.