

DURHAM COUNTY COUNCIL

At a Meeting of the Highways Committee held at Trimdon Village Hall, County Durham on Friday 10 July 2009 at 10.30 a.m.

Present:

Councillor D Morgan in the Chair

Members of the Committee:

Councillors Bainbridge, Hugill, Morgan, Shiell, Stradling, Todd, Tomlinson and Young.

Apologies for absence were received from Councillors Arthur, Hancock, Woods, Wright and Zair.

A1 Declarations of Interest

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

A2 Footpath at Trimdon Village between 13 Chisholm Road and 15 Windsor Square – Proposed Extinguishment Order

Members attended a site visit prior to the commencement of the meeting.

The Committee considered a report of the Corporate Director Regeneration and Economic Development Services to extinguish the footpath between 13 Chisholm Road and 15 Windsor Square, Trimdon Village (for copy see file of Minutes).

The Committee then heard the following representations:

Mr Les Oliver, Clerk to Trimdon Parish Council, informed the Committee that the applicant, Trimdon Parish Council is fully supportive of the closure of the footpath and, the decision to proceed with the application was unanimous. Having conducted a traffic survey of the footpath in May, he observed that on 5 different occasions at 45 minute intervals, the footpath was used by no more than 3 people on each occasion. With reference to the petition opposing the application, Mr Oliver pointed out that the majority of the petitioners do not live in close proximity to the footpath. In conclusion, Mr Oliver informed the Committee that the Parish Council would be prepared to pay their contribution towards any costs involved with the closure.

Gordon Wright a resident of 9 Hallgarth Road spoke in favour of the closure for reasons of anti-social behaviour and that there was a good infrastructure of footpaths locally.

Doreen Maddison of 13 Chisholm Road also referred to problems of anti social behaviour in the vicinity of the footpath including verbal abuse of residents adding that the behaviour can last until the early hours of the morning causing disturbance to residents' sleep.

The Chairman referred to two additional letters in support of the closure which had just been received that morning from Ms Stewart of 24 Windsor Square and from the residents of 15 Chisholm Road. The letters were circulated to the Members of the Committee (for copy see file of minutes).

Sheila Dawson of 17 Windsor Square spoke in favour of the closure, commenting that the footpath is rarely used by residents, however, the footpath is used by gangs of teenagers who have damaged fencing and property belonging to residents causing them to feel insecure in their own homes, especially the elderly.

Sergeant O'Connor of Durham Constabulary informed the Committee that he has been familiar with this area for the last three years and confirmed the concerns raised by residents including incidents of youths congregating on the footpath and fencing being damaged. He added that the current design of housing estates does not include this type of footpath and agreed that such pathways can be used as escape routes. In conclusion, he commented that he recognises the benefits of the closure of the footpath.

Barry Pattison of 15 Windsor Square spoke in favour of the closure and stated that items get stolen from his garden.

Paul Trippett pointed out that when the original plan for the estate was drawn up; the footpath was not originally situated in the area it presently runs through. He stated that on the original plan, the footpath was located between house numbers 23 and 5, however due to one of those residents strongly objecting to the footpath passing through his land, the footpath was located in its present location.

Jean Paterson of 16 Windsor Square spoke against the closure of the footpath saying that some of the houses have no side gates and the closure of the footpath would create a health and safety issue as the footpath is used by ambulance and fire crews. In addition, Mrs Paterson said the footpath is a convenient access point for deliverymen and workmen. It is also convenient for residents for accessing their gardens with lawnmowers. The closure of the footpath would create hardship for people having to go the long way round and discrimination against disabled people. Mrs Paterson asked why all the residents who signed the petition were not invited to attend the meeting.

Geoffrey Paterson commented that most of the houses in the vicinity have side gates but not his. The footpath is essential for the emergency services, stating that an ambulance crew had been able to use the footpath as a quick route to reach his father when he collapsed at his front door suffering a heart attack. The path is also used for deliveries and the window cleaner. He said it was in no worse a state than any others. Mr Paterson commented that in his opinion there is little anti social behaviour and there is no evidence that the cut has anything to do with vandalism. With reference to the map showing objections and agreements to the closure he

observed that there were more dots shown than letters received from supporters of the closure and said that the map shows letters received for numbers 18 and 24 when in fact no letters were received. He asked for clarification on this. Mr Patterson referred to a letter from Anne East, a resident in her seventies who suffers from asthma and uses the footpath regularly, saying that she feels safe using it. Mr Paterson referred to another letter from an elderly resident, Ava White, who commented that seeing people on the footpath brightens up her day. In conclusion, Mr Paterson asked for clarification on what would happen to the land if the footpath was closed.

The Corporate Director of Regeneration and Economic Development clarified that submissions in support of the closure were received from 11 households and confirmed that no letters had been received from numbers 18 and 24. In response to Mr Paterson's question about the status of the land if the closure of the footpath were to take place, it was confirmed that the land would revert back to Sedgefield Borough Homes. Referring to Mrs Paterson's question regarding petitioners being invited to the meeting, the Head of Legal and Democratic Services confirmed that only those petitioners who had submitted individual letters were notified by letter of the meeting. There is no legal obligation to write to all individuals who sign a petition. The Authority carried out its legal obligations by publishing details of the meeting.

Local Councillor, Councillor Hovvels felt that there had been a wide consultation on the issue. She agreed that the footpath was not originally planned to be situated in its present location and agreed with residents' comments that the footpath is not well used and there are other choices of path in the locality. In conclusion, Councillor Hovvels said that chicanes had been installed to stop motorcyclists from using the footpath and its closure would not be detrimental for the emergency services. She said that she supported the right for people to have quality of life and the peace they deserve.

Following the submissions, a Member of the Committee asked if the Authority would be consulted on the use of the land if the footpath was closed. The Head of Legal and Democratic Services replied that the land would return to the ownership of Sedgefield Borough Homes.

Having considered the recommendations and reasons outlined in the report and, upon a vote being taken, it was:

Resolved:-

That the application for an extinguishment order under the provisions of Section 118 of the Highways Act 1980 to close the footpath between 13 Chisholm Road and 15 Windsor Square be approved.