

DURHAM COUNTY COUNCIL

At a Meeting of the **Highways Committee** held at County Hall, Durham (1pm to 1.20pm) and then at Arden House, Prospect View, West Rainton on **Thursday 2 September 2010 at 2.30pm**

Present:

Councillor G Bleasdale

Chair

Members of the Committee:

Councillors Arthur, A Bainbridge, Burn, D Marshall, Naylor, Shiell, L Thomson, Todd, Tomlinson, Wright and R Young

Officers:

M Ogden (Section Manager – Access & Rights of Way), C Freeman (Legal Adviser), K Telford (Rights of Way Officer) and D Roberts (Democratic Services)

Apologies:

Apologies for absence were received from Councillors Foster, Hugill, Morgan, Robinson, Taylor and Woods.

Also present (at West Rainton): Mr D Bradford (applicant), Mr Baker and Mr P Bailes (in support of the application) and Mrs Newton, Mrs Gibson and Mrs Spence (objectors)

A1 Declarations of Interest

There were no declarations of interest.

A2 Minutes

The Minutes of the meeting held on 29 June 2010 were agreed as a correct record and signed by the Chair.

A3 Online Definitive Map

The Section Manager gave a presentation on the recently introduced Online Definitive Map; he explained that, whereas in the past the Definitive Map had only been available in paper form on a number of large sheets, it was now readily accessible online. The Definitive Map recorded the position and status of public rights of way and was legally required to be continually updated to incorporate changes brought about through legal orders. Unfortunately the Section Manager was unable to demonstrate how the Map could be accessed online due to a failure of the internet connection in the Committee Room, but he invited members to contact the Rights of Way team for a demonstration or further information.

The meeting was adjourned at this point to enable the Committee to travel to West Rainton for a site visit, following which the meeting reconvened at Arden House at 2.30pm

**A4 Unregistered Footpath, South Street to Fair View, West Rainton Parish:
Proposed Public Path Stopping Up Order**

The Committee considered the report of the Corporate Director, Regeneration and Economic Development regarding an application under the Town and Country Planning Act 1990 to stop up an unregistered footpath between South Street and Fair View, West Rainton. He confirmed that, prior to the meeting, members had met on site and had viewed the path from two different locations; they had also been made aware of the location of various community facilities, shops etc in the village, the distances between certain groups of dwellings and some of these facilities and the effect that using the path under consideration had on some of these distances.

The applicant explained the background to his application to stop up the footpath; he had been granted planning permission in July 2010 to create an access for private car parking, construct a retaining wall and erect gates, with associated landscaping, as part of the conversion of a former retail property to residential accommodation. He accepted that, whilst the path was not recorded on the Definitive Map, there was strong evidence of the existence of public rights, hence his application to stop up approximately 39metres of the path, which would not affect access from Fair View to the allotments. He emphasised that he would not be able to implement the planning permission if his application was refused as the site could not accommodate a path as well as a parking area etc. He referred to evidence that the path and surrounding area had been the focus of anti-social behaviour in the past, which could be confirmed by the police, and that it was not safe as it was unlit and not maintained.

The applicant was supported by Mr Baker (who lived in a neighbouring property) and Mr Bailes (Chair of the Allotments Association); the former noted that he had not experienced any problems with anti-social behaviour since part of the path had been blocked off. Mr Bailes emphasised that the path was not an official public right of way and claimed that it was only since the allotment holders had improved part of the path that it had been used more frequently.

Mrs Newton then addressed the Committee on behalf of objectors to the application; she noted that the path had been in use for some 50 years and that it was a very useful shortcut. She alleged that a fence which previously separated the path from private land had been removed and that, when the property now owned by the applicant had been commercial premises, people had been encouraged to use the path. She suggested that anti-social behaviour was not confined to this particular area of the village and that, once the property was occupied, it would have decreased anyway.

Mike Ogden reminded members that it had been accepted that the path existed and that it had been used for many years although it was not a registered footpath; even if the path had been registered, however, the applicant could still have applied for it to be stopped up. He also mentioned that, if the Committee agreed to the making of a Stopping Up Order, objectors would have a further opportunity to comment in accordance with the statutory procedure.

AGENDA ITEM 2

Members were then given an opportunity to comment and ask questions. The following issues were raised, with additional comments received from the supporters and objectors to the application:

- Whether anyone had been responsible for maintaining the path
- Whether any comments had been received from local members or the parish council
- Would the path be safe for the elderly and infirm, particularly in winter?
- Whether the planning permission could be implemented if the path was not stopped up
- Whether the gates installed by allotment holders at one end of the path had deterred people from using it
- Whether any statistics were available with regard to the levels of anti-social behaviour

RESOLVED:

That, as the Committee was satisfied that no alternative route was required and that it was not possible for the development to proceed without the stopping-up of the path, a Stopping Up Order be made under the provisions of Section 257 of the Town & Country Planning Act 1990.

The meeting closed at 3.15pm

CHAIR