

DURHAM COUNTY COUNCIL

At a Meeting of the Highways Committee held at Scarth Hall, Staindrop on
Friday 23 April 2010 at 11.10am

Present:

Councillor R TODD in the Chair

Members of the Committee:

Councillors Arthur, Burn, Foster, T Taylor and Tomlinson

Officers:

M Ogden (Section Manager – Access & Rights of Way), P Holding (Legal Adviser),
Kirsty Ward (Definitive Map Assistant) and D Roberts (Democratic Services)

Apologies:

Apologies for absence were received from Councillors A Bainbridge, Hancock,
Magee, D Marshall, Maslin, Morgan, Naylor, J Robinson, Shiell, Stradling, L
Thomson, Woods , Wright and R Young.

Also present: Mr and Mrs B Dedman (applicants), Ms J Bird (objector – Local
correspondent for the Open Spaces Society)

A1 Declarations of Interest

There were no declarations of interest.

**A2 Public Footpath No. 3 Hilton Parish: proposed Public Footpath Diversion
Order**

The Chair confirmed that, prior to the meeting, members had met on site and had an
opportunity to view and walk the existing footpath as well as receiving clarification
from officers as to the route of the proposed diversion.

The Committee proceeded to consider the report of the Corporate Director,
Regeneration and Economic Development regarding an application to divert part of
Public Footpath 3 at Hilton.

The applicants explained the background to their request to divert the footpath; their
primary concerns were over security and health and safety as the footpath currently
passed directly through the farm yard. They believed that the diversion would help
overcome these concerns and would in fact provide a more pleasant walk as it would
pass through the orchard rather than through the yard.

The objector reiterated her concerns with regard to the diversion; these related to the
possible 'bogginess' of the route of the diversion in one place, the possibility that
areas immediately outside the orchard, through which the path was to be diverted,
could become overgrown and the presence of geese in the orchard.

AGENDA ITEM 2

Members then had an opportunity to comment on the application and ask questions of officers as well as the applicants and the objector. Members sought clarification as to any incidences of theft that had occurred at the premises; whether heavy machinery was a regular feature in the yard; the measures that the applicants would take to mitigate the objector's concerns; the legal process for implementing the diversion if it was approved and the situation with regard to the geese.

The applicants confirmed that there had been at least two incidents of theft and that, whilst they were unlikely to be directly connected to walkers/ramblers, the fact that the footpath passed directly through the farm yard facilitated easy access to their dwelling and to the farm buildings for the unscrupulous; whilst Mr Dedman described himself as a 'small farmer' he confirmed that he regularly employed contractors with heavy machinery; they were more than happy to provide gates where the new route crossed fencelines and to install a sleeper bridge across a ditch immediately south of the orchard; the pair of geese already had free access to the orchard and the surrounding area (including the farm yard and the current route of the footpath). Members recalled that the geese moved away when they were on site and that they did not appear to pose a threat to footpath users.

The legal process for implementing the diversion order, were it to be approved, was outlined in the report; officers confirmed that local members had been consulted and had raised no objections to the proposal.

Members agreed that the proposed diversion order would be expedient in the interests of the landowner and did not feel that the diversion route would be less convenient or affect the public's enjoyment of the path as a whole.

RESOLVED:

That, for the reasons outlined above, the Committee agrees to the making of a Diversion Order, under the provisions of Section 119 of the Highways Act 1980, in respect of Public Footpath No. 3 Hilton Parish.

The meeting closed at 11.40am

CHAIR