



Highways Committee

Date Tuesday 20 November 2018
Time 9.30 a.m.
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 13 September 2018 (Pages 3 - 8)
4. Declarations of Interest, if any
5. Bearpark and Ushaw Moor - Parking and Waiting Restrictions Order 2018 - Report of Corporate Director of Regeneration and Local Services (Pages 9 - 12)
6. Ferryhill - Parking and Waiting Restrictions 2018 - Report of Corporate Director of Regeneration and Local Services (Pages 13 - 20)
7. Redhills/Crossgate Area - Parking and Waiting Restrictions - Report of Corporate Director of Regeneration and Local Services (Pages 21 - 28)
8. Spennymoor - Parking and Waiting Restrictions Order 2018 - Report of Corporate Director of Regeneration and Local Services (Pages 29 - 34)
9. Tow Law - Parking and Waiting Restrictions 2018 - Report of Corporate Director of Regeneration and Local Services (Pages 35 - 42)
10. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
12 November 2018

To: **The Members of the Highways Committee**

Councillor C Kay (Chairman)
Councillor S Morrison (Vice-Chairman)

Councillors D Bell, H Bennett, G Bleasdale, J Chaplow, J Considine,
S Dunn, A Gardner, D Hicks, K Hopper, S Hugill, K Liddell,
O Milburn, R Ormerod, J Rowlandson, P Sexton, J Shuttleworth,
A Simpson, J Turnbull and M Wilson

Contact: Michael Turnbull

Tel: 03000 269 714

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Toft Hill Community Centre Toft Hill, Bishop Auckland, County Durham, DL14 0JA on **Thursday 13 September 2018 at 11.00 a.m.**

Present:

Councillor C Kay in the Chair.

Members of the Committee

Councillors D Bell, G Bleasdale, J Chaplow, J Considine, S Dunn, O Milburn, S Morrison (Vice-Chairman), J Rowlandson, J Shuttleworth, J Turnbull and M Wilson

Also Present:

Councillor H Smith

1 Apologies for Absence

Apologies for absence were received from Councillors H Bennett, A Gardner, K Hopper, S Hugill, K Liddell, P Oliver, R Ormerod, P Sexton and A Simpson.

2 Substitute Members

There were no substitute members present.

3 Minutes

The minutes of the meetings held on 11 June and 5 July 2018 were agreed as a correct record and signed by the Chairman.

4 Declarations of Interest

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

5 Public Footpath No. 39 Evenwood and Barony

The Committee considered a report of the Corporate Director of Regeneration and Local Services to consider an application to divert Public Footpath No. 39 Evenwood and Barony (for report see file of Minutes).

Prior to consideration of the matter, the Access and Rights of Way Team Leader informed the Committee that the representative from the Open Spaces Society was unable to attend the meeting due to ill health but wished to maintain the objection on behalf of the organisation.

The Committee had viewed the site prior to the meeting and were provided with the background to the application which had been submitted by the owner of High Toft Hill

farm. The application sought to divert Public Footpath No. 39 away from farm buildings and farmyard areas. The owner had plans to construct new agricultural sheds and wished to ensure that a safe and long-term route for the public was provided whilst minimising any potential conflicts between the public and farm machinery and animals.

The effect of the proposal would move Footpath 39 to a more southerly route, following a field edge from the eastern end of the path round to its junction with Public Footpath no. 38 to the west of the farm. An additional stile would be provided to enable alternative access to and from the footpath. The relevant legal framework (Section 119 of the Highways Act 1980) was outlined to the Committee.

The Committee were informed that the ends of the diverted footpath were on the same highway, and it was argued that there would be no real loss of convenience for pedestrians. Whilst the diverted route would be longer and involve some loss and gain of altitude, these were not significant in the context of a path used for recreational countryside walking. The avoidance of potential conflict and confusion for users in the proximity of a working farmyard could also be seen as adding to the convenience of walkers. The provision of an access point onto the diverted path adjacent to the road junction would help to balance any inconvenience caused by the extra distance.

The diversion would also assist with the agricultural running of the farm and would be expedient in relation to the use of the land. The new stile would be constructed in accordance with British Standards.

The Access and Rights of Way Team Leader then summarised the objections made by the Open Spaces Society, which were detailed in Section 4.0 of the report as follows;

- the diversion of Footpath No. 39 was circuitous and inconvenient for the public;
- excessive in relation to the area of concentrated agricultural activity;
- a diversion should be sought under the provisions of the Town and Country Planning Act 1990 in respect of any planned new building;
- the agricultural need for the diversion had not been clearly made;
- the new path might be fenced off and become a narrow corridor; and
- there was no inconvenience to the public in walking close to stock sheds and a working farmyard.

The Access and Rights of Way Team Leader informed the Committee that correspondence with the objector provided by way of Document D to the report sought to address the matters raised. However, in terms of an overall response to objector, it could be commented that the additional distance resulting from the diversion was not felt to be significant in the context of a recreational walk in the countryside. The diversion would add approximately 190 metres to the length of Footpath No. 39. Valid agricultural reasons had been proposed to move the footpath away from the area of existing and proposed sheds, given the expanding farming operations planned.

Whilst it was accepted that the applicant could apply under s.257 of the Town and Country Planning Act 1990 for a diversion around the proposed new shed, and repeat the exercise for each subsequent new building as and when they came forward. It was felt that this would result in a less acceptable solution given the potential confusion for the public and a

route that made a series of right-angled turns to get round the buildings, whilst still being in close proximity to vehicle and animal activity.

The Committee then heard from the applicant who explained that they lived on the site, comprising around 600 acres of farming land. Some of the land was utilised by the owner for their farming operation and other parts of the land were let. A significant number of sheep were present on the farm. The owner referred to the seasonal lambing operation and the shed observed by the Committee during the site visit. The owner explained that whilst the shed was of some size, it was not large enough for the lambing operation. Lambing took place between January and May. The owner had incurred significant losses last winter when many lambs perished during the winter. The construction of an additional agricultural building would provide the required amount of space, connect to the existing buildings and avoid unnecessary journeys with flocks outside during inclement weather.

The owner made it clear that they had no objections to use of the footpaths and the application had been submitted for the benefit of walkers, the owners and the absolute need for accessibility. The owner confirmed that they had no objection to install a stile, although it would mean that a section of established hedgerow would be lost.

Councillor H Smith, one of the local members informed the Committee that she was in favour of the proposed diversion which appeared sensible and pragmatic. Councillor Smith agreed with the assessment made by the County Council's Public Rights of Way Team.

Councillor J Shuttleworth explained that the modern day farming operation and the diversion would not stop or deter any enjoyment for people walking the footpaths in the area and Moved the recommendation detailed in the report.

Councillor J Turnbull agreed with the comments made by Councillors H Smith and J Shuttleworth. Referring to the comments from Barnard Castle Ramblers regarding 'a guarantee that the footpath would not be fenced in either now or at any time in the future', Councillor Turnbull appreciated that the applicant had provided written confirmation which was included in the report and confirmed this with the applicant.

In response the applicant confirmed that they had no intention of fencing off the footpath both now or in the future as there was no desire to do so, essentially because the costs associated with fencing off the area would be prohibitive.

Councillor J Turnbull seconded the recommendation.

Resolved

That the Committee agree to the making of a Diversion and Definitive Map and Statement Modification Order under the provisions of Section 119 of the Highways Act 1980, and that the Order shall subsequently be either confirmed by the Council as an unopposed order or in the event of objection(s), referred to the Secretary of State for determination.

6 Application NL43 for Village Green Registration - Romalldkirk, County Durham

The Committee considered a report of the Head of Legal and Democratic Services regarding determination of an application to register land at Romalldkirk, as Town or Village Green, under the provisions of the Commons Act 2006 (for copy see file of Minutes).

The Solicitor informed the Committee that the relevant law was contained in Section 15 of the Commons Act 2006 which stated that a Village Green has come into existence where:

(a) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports or pastimes on the land for a period of at least 20 years; and

(b) They continue to do so at the time of the application.”

The application had been made by Romalldkirk Parish Council, acting through its chair, Lesley Cutting (the Applicant). A copy of the application, excluding the supporting user evidence was detailed in Appendix 1 to the report. The Application was dated 11 September 2016 and was accompanied by a plan showing the area claimed as town or village green and included two statements in support from users of the claimed town and village green. Copies of all the user evidence had been provided in Appendix 3 of the report and copies of the letters of objection were detailed in Appendix 4 of the report.

The solicitor acting on behalf of the Commons Registration Authority wrote to both the Applicant and the occupants of the property adjacent to the application land in May and July 2018. The letters expressed concerns in respect of the use of the application land and invited further representations, particularly in respect of the effect of a deed dated 4th September 1930 made under the provisions of section 193 of the Law of Property Act 1925.

It was felt that there was a lack of clarity in respect of the status of the application land and in particular whether the land was used ‘as of right’ or ‘by right’. Copies of the documentation were attached as Appendix 6 to the report and the 1930 Deed was attached as Appendix 7.

On 27 July 2018 the applicant submitted a further 10 supporting statements together with an opinion from a barrister responding to the issues raised in the letters. Copies of the documentation were attached in Appendix 8 and 9 of the report.

The Solicitor informed the Committee that credible evidence had been submitted both in support and in opposition of the application. Whilst there was no set format regarding the determination of applications, it was good practice where there were significant areas of dispute to hold a public inquiry to test the evidence.

The Committee heard from an objector who had resided in the village since 1997. The objector explained that the land was not registered as such, but had been maintained continuously since that time. The objector felt that support of the application had grown since the application date over a period of two years which had culminated in further

support and evidence. The objector explained the importance of the evidence that must meet the qualifying criteria.

The objector also felt that the recommendation to instruct an independent barrister to hold a non-statutory public inquiry was the correct course of action and that it was important for the evidence to be tested via this method.

The Committee then listened to representations on behalf of the applicant who was a parish councillor for Romaldkirk. The representative explained that the land formed part of a wider village green of Romaldkirk. Those objecting to the application had continuously parked cars, planted trees and shrubs on the green area.

The parish council application had been supported by 15 evidence statements, 10 from individuals who could contest use for the entire qualifying period. The representative considered that it was hard to reconcile the further use of public money to determine the matter.

The applicant felt that the objector had also provided instances of recreational use of the land which supported the village green application and suggested that the matter should be determined by the Committee. The representative felt that if the Committee were to refer the matter to a non-statutory public inquiry, the parish council were extremely confident in succeeding with their application, particularly given the legal advice they had received.

The Committee then heard from a supporter of the application who had lived in Romaldkirk for 29 years. The supporter explained that the land was a very important piece of public land. The application had been brought about to save the land and enshrine it for years to come for local residents, including the objector. The supporter claimed that the land had been used as public land and the only way to protect the land would be to register it as village green. The supporter also expressed the view that the Committee should determine the matter at the meeting.

The Solicitor referred the Committee to the 15 individual statements that had been produced as part of the application evidence, however, advice was also given that statements had been provided which contradicted the evidence, hence the suggested approach as set out in the recommendation detailed in the report. Whilst the decision on the application was a matter for the Committee, it was felt that there were sufficient areas of dispute in terms of the extent of the use of the application Site to require a non-statutory public inquiry to test the evidence in order to assist the Committee in the determination of the application. A non-statutory public inquiry was also recommended given the complex legal issues surrounding the status of the land arising from the 1930's deed.

Councillor J Rowlandson informed the Committee that he knew the area of Romaldkirk very well and Moved the recommend approach detailed in the report because of the conflicting and contradictory evidence.

Councillor S Dunn felt that all sides of the argument needed to have a fair hearing. Councillor Dunn was puzzled as to why land included in the 1930's deed was not included in the 1967 registration and queried whether it had been considered and if it had been considered, why had it not been accepted.

The Solicitor informed the Committee that there were no details to suggest why the area of land was excluded from the 1967 registration.

The representative of the applicant, through the consent of the Chair of the meeting explained that it was simply missed off when the map was drawn.

Councillor J Shuttleworth appreciated that there was a cost element to instructing a specialist barrister, however, it was in fairness to all parties concerned that the matter should be determined by way of a non-statutory public inquiry and seconded the proposal.

Resolved

That the Committee delegate authority to the Head of Legal and Democratic Services to instruct an independent specialist barrister to hold a Non-Statutory Public Inquiry to consider the Application and thereafter prepare a report to Members of the Highways Committee which makes a recommendation to Members in respect of the Application.

Highways Committee

20 November 2018

Bearpark and Ushaw Moor Parking and Waiting Restrictions Order 2018



Report of Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

1. Purpose

- 1.1. In accordance with the Council's Scheme of Delegations to Officers, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2. To advise Members of objections received to the consultation concerning changes to the traffic regulation order in Bearpark and Ushaw Moor.
- 1.3. To request that members consider the objections made during the informal and formal consultation period.

2. Background

- 2.1 Following the successful implementation of Civil Parking Enforcement in Durham District in 2008 it was introduced into the Southern part of the County in 2012. Enforcement of all waiting restrictions within this area was undertaken by the County Council from this time.
- 2.2 The County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.3 Requests were received from a Local Member, Bearpark Parish Council and local residents to introduce:
 - i) 'no waiting at any time' parking restrictions to address ongoing visibility issues associated with both junctions at:
 1. Welby Drive/C18a Whitehouse Lane
 2. Victoria Court C18a Whitehouse Lane
 3. Hall Avenue C18a Whitehouse Lane

- ii) A 30 minute time limit (operational Mon-Sat, 9am-5pm) on C18a Whitehouse Lane to accommodate a parking space outside of the Pharmacy, the bay is to encourage a higher turnover of availability close to the local amenities.
- iii) To remove the school keep clear road markings and associated traffic sign on C17 Woodland Road (opposite Cook Avenue).

2.4 An initial consultation exercise was undertaken with statutory consultees and directly affected frontages in February and March 2018. Several objections were received at this point from affected frontages for the introduction of the parking restriction on the junction of Welby Drive/C18a Whitehouse Lane, Victoria Court and Hall Avenue with C18a Whitehouse Lane. There was support from Durham Constabulary for the scheme.

2.5 The proposals were advertised formally on site and in the local press between 14th June – 6th July 2018 and no formal objections were received.

3 Objections (objected at informal consultation stage)

3.1 The three objectors are local residents. They are concerned that the introduction of no waiting at any time parking restrictions on the junction of Welby Drive/C18a Whitehouse Lane and Victoria Court and Hall Avenue with C18a Whitehouse Lane will cause parking issues for visitors, workmen and themselves who like to park outside their home.

3.2 They continue that parking will be compromised and be forced into parking their vehicles in the yard to the rear of their home.

Response

3.3 The introduction of no waiting at any time restrictions will improve road safety and visibility from the junction of Welby Drive/ C18a Whitehouse Lane and Victoria Court and Hall Avenue with the C18a.

3.4 The Local Councillor was keen to progress with the proposals on road safety grounds with the backing of Durham Constabulary and the Parish Council.

3.5 Without the proposed restrictions, parking causing any unnecessary obstruction is an offence that can only be enforced by Durham Constabulary. The introduction of no waiting at any time restrictions will also allow Durham County Council to be able to enforce the restrictions and therefore help improve road safety.

4 Local member consultation:

4.1 The Local Members have been consulted and are in support of the proposals.

Recommendations:

- 4.2 It is recommended that Members resolve that they are minded to agree to set aside all objections, endorse the proposal and proceed with the implementation of the Bearpark and Ushaw Moor: Waiting and Parking Restrictions Order. With the final decision to be made by the Corporate Director under delegated powers.

5 Background Papers

- 5.1 Correspondence and documentation in Traffic Office File and in member's library.

Contact: Peter Broxton Tel: 03000 263986

Appendix 1: Implications

Finance – Approx. cost - £2000

Staffing – Carried out by Strategic Traffic

Risk – Not Applicable

Equality and Diversity – It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation - No impact on staffing

Crime and Disorder - This TRO will allow effective management of traffic to reduce congestion and improve road safety.

Human Rights - No impact on human rights

Consultation – Is in accordance with SI:2489

Procurement – Operations, DCC.

Disability Issues - None

Legal Implications - All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements.

Highways Committee

20 November 2018

Ferryhill Parking And Waiting Restrictions Order 2018



Report of Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

1. Purpose of the Report

- 1.1 In accordance with the Council's Scheme of Delegation to Officers, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2 To advise Members of objections received to the consultation concerning a proposed traffic regulation order in Ferryhill.
- 1.3 To request that members consider the objections made during the advertising period.

2. Background

- 2.1 Following the successful implementation of Civil Parking Enforcement in Durham District in 2008 it was introduced into the Southern part of the County in 2012. Enforcement of all waiting restrictions within this area was undertaken by the County Council from this time.
- 2.2 The County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.3 Prior to this proposal, changes were last made to the Ferryhill Traffic Regulation Order in 2016. Since this time, a number of proposed amendments have been suggested by a variety of sources.
- 2.4 Ferryhill Town Council held a meeting on the 13th December 2017 and agreed that full public consultation should take place regarding the location of the taxi area in Market Street. The Town Council received an official petition with 497 signatures requesting that consideration be given to creating a 24 hour taxi area within the town. Two public consultation events were held in the town and these generated the initial proposals for the amendments to the TRO.

2.5 Amendments were proposed to address obstructive parking on Saddler Street, taxi provision within the town centre and loading facilities on Darlington Road.

3.0 Proposals

3.1 The initial consultation with affected frontages and all Statutory Consultees commenced on the 30th April 2018. Following feedback at this stage, some amendments were made and consultees were informed on the 13th August 2018 that the following proposals were to be formally advertised

3.2 B6287 Durham Road / Saddler Street junction.

Introduction of 'no waiting at any time' restrictions on the Saddler Street / Durham Road junction. Saddler Street is the entrance road to Ferryhill Dean and Chapter Industrial Estate. Heavy Goods Vehicles use this junction on a daily basis and inappropriate / obstructive parking has been proven to obstruct their movements at this point.

3.3 B6287 Darlington Road.

Introduction of a 'loading only' bay on the western side of Darlington Road, near to Charles Dickens DIY Store. At present this bay is subject to a 1 hr parking limit (Monday – Saturday). It is proposed that space for approximately 2 vehicles be converted to the loading area to assist the businesses in this area. The loading restriction will be in place 8am-6pm on all days.

3.4 Market Street

A number of changes are proposed for Market Street to better assist vehicular movements within the town centre. At present, the layby outside of 14-22 Market Street is subject to a split restriction of 1 hour parking 6am – 6pm and 'no stopping except taxis 6pm-6am' It is proposed that these bays become 'no stopping except taxis' at all times.

3.5 The short layby outside of the residential properties 25 and 26 Market Street is currently subject to a 1 hour parking restriction. It is proposed that this restriction be removed.

3.6 Finally, the junction of Market Street / Church Road is currently subject to a 'no waiting 8am-6pm' restriction. It is proposed that this restriction be amended to a 'no waiting at any time' restriction.

3.7 The proposals were formally advertised on site and in the local press between 14/9/18 and 5/10/18.

3.8 There were 2 objections made to the proposals. These were made at the initial consultation stage.

4. Objections and Responses

4.1 **Objection 1** (objected at initial consultation stage)

- 4.2 The objector owns a business adjacent to the proposed taxi restrictions. They believe that the restriction should also permit loading / unloading by local business owners.
- 4.3 There is an existing loading only area (6am – 6pm) approximately 20 metres from the objector’s premises. The possibility of permitting loading from the taxi area was investigated but was found not to be feasible in this instance.

5 *Objection 2* (objected at initial consultation stage)

- 5.1 The objector is a business owner on Parker Terrace (Darlington Road) and feels that the introduction of a loading bay at this location is arbitrary and unnecessary. They also comment that such a restriction will restrict access to the business’ in the affected area.
- 5.2 The request was for this restriction originated from one of the other businesses’ in this area. They are currently struggling to load and unload heavy stock to their premises. It is considered that the proposed loading bay would be well used and a useful addition at this location.

6. Statutory Consultation Representations

- 6.1 All Statutory Consultees offered no objection:
- Durham Constabulary – in favour
 - Ambulance Service – in favour
 - County Councillors no objection
 - Parish Council – in favour
 - Fire Service – no objections received
 - Bus companies – no objections received
 - Road Haulage – no objections received
 - Freight Association – no objection received.

7. Local Member Consultation

- 7.1 The Local Members) were consulted and offered no objection to the proposals.

8. Conclusion

- 8.1 In conclusion, there were no objections raised by the Statutory Consultees.
- 8.2 There were two objections received at the initial advertising stage by local businesses. The proposed amendments to the restrictions are deemed necessary at this location owing to the demands of the town centre. The changes will aid accessibility to the town centre for non-car users and aid accessibility for HGVs on Saddler Street and delivery vehicles on Darlington Road.

9. Recommendations and reasons

- 9.1 It is recommended that Members resolve that they are minded to agree to set aside all objections, endorse the proposal and proceed with the implementation of the Ferryhill: Waiting and Parking Restrictions. Order 2018 with the final decision to be made by the Corporate Director under delegated powers.

10. Background papers

- 10.1 Correspondence and documentation in Traffic Office File and in member's library.

Contact: Lee Mowbray

Tel: 03000 263693

Appendix 1: Implications

Finance – LTP Capital (approx. cost £2500)

Staffing – Strategic Traffic

Risk – N/A

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation – No impact on staffing

Crime and Disorder - This TRO will assist ease of traffic movement within the town.

Human Rights – No impact on human rights

Consultation - Is in accordance with SI: 2489.

Procurement – Operations, DCC.

Disability Issues - None

Legal Implications - All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements. This will result in an enforceable TRO.

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Notes:
 The postcode for this area is DL13 4AU
 These works will be outside of a school and will be busy during peak drop off and pick up times.

Rev/ Amdt	Drawn By		Approved By			Description of Amendments
	Name	Date	Name	Date	Sign	
	R.Smith	Feb 18				

Durham
County Council

**STRATEGIC
TRAFFIC
MANAGEMENT**

CORPORATE DIRECTOR OF
REGENERATION & LOCAL
SERVICES

COUNTY HALL, DURHAM. DH1 5UQ

Project Blessed John Duckett - Tow Law	
Drawing Lining Only	
Scales 1:1000 @ A4	Project/Drawing No. TM/40038/18/32

PATH:

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Highways Committee

20 November 2018

Redhills/Crossgate Area Parking & Waiting Restrictions Order 2018



Report of Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

1. Purpose

- 1.1. In accordance with the Council's Scheme of Delegations to Officers, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2. To advise Members of objections received to the consultation concerning changes to the traffic regulation order in Redhills/Crossgate Area.
- 1.3. To request that members consider the objections made during the informal and formal consultation period.

2. Background

- 2.1 Following the successful implementation of Civil Parking Enforcement in Durham District in 2008 it was introduced into the Southern part of the County in 2012. Enforcement of all waiting restrictions within this area was undertaken by the County Council from this time.
- 2.2 The County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.3 Requests were received from a Local Member and local residents to address ongoing obstructive parking, visibility and safety issues. The Scheme is part of a wider TRO covering the Redhill's/Crossgate area. The restrictions and locations which have been proposed are as follows:

‘No Waiting At Any Time’ restrictions

- Junction of Redhills Lane and Priors Close
- Junction of St Aiden’s Crescent and Redhills Lane
- Junction of St Monica Grove and Redhills Lane
- Junction of Lyndhurst Drive and the A167 Newcastle Road
- Junction of St Monica Grove and the A167 Newcastle Road
- Junction of St Bede’s Close and the A167 Newcastle Road
- St Monica Grove on carriageway bends outside of properties No.’s 2-4 & 9-11
- South side of Relly Path from No.2 westerly for its full length
- North side of Relly Path opposite No.4 driveway
- Junction of Ellam Road and A167 Darlington Road
- Junction of Archers Court and Redhills Lane (included to resolve objection-support from Durham Constabulary)

‘School Keep Clear’ markings Mon-Fri 7am-6pm

- On Relly Path from the junction with the A690 Neville’s Cross Bank north westerly for 31.56metres both sides.

‘Limited Waiting’ parking bays Mon-Fri 7am-6pm 20mins no return within 1 hour

- On Relly Path opposite No.2-4.

‘Restricted Waiting’ restrictions

- West side of St Monica Grove from a point 10m south west of Redhills Lane for approx.. 30m
- East side of Priors Close from a point 10m south of Redhills Lane for its full length including turning heads
- Extend existing ‘Restricted Waiting’ restriction Mon-Fri 8am-5pm on Redhills Lane both sides outside of property No.10A

2.4 The initial informal consultation exercise was undertaken with statutory consultees and directly affected frontages in December 2017 and January 2018. Several objections were received at this point from directly affected frontages. Support was received from Durham Constabulary and the local County Councillors. Objections were addressed and amended plans were then sent out for consultation in March 2018 to all directly affected frontages and statutory consultees. The feedback was considered and revised plans were drafted.

2.5 A further informal consultation exercise was undertaken addressing any objections and amended plans were then sent out in March 2018 to all directly affected frontages and statutory consultees.

2.6 Following this an additional request came in from a local resident to also look at the junction of Archers Court and Redhills Lane. Letters and plans were sent

out to directly affected frontages in August 2018. There were no informal objections and the amendments had support from the Police.

- 2.7 The proposals were advertised formally on site and in the local press between 13th September – 5th October 2018. There were four formal objections, all of which came from St Monica Grove with regards to the proposed restrictions. There was support from the Local Councillor who felt the road safety benefits outweighed the potential issues that could be generated by displacement of vehicles and in the best interest of road safety and visibility to pursue a TRO in this location.

3 Objection 1 (objected at the formal consultation stage)

- 3.1 The objector is a local resident. They are concerned that the introduction of no waiting at any time parking restrictions on St Monica Grove on the bend outside of properties No.'s 2-4 & 9-11 will merely displace parked vehicles. They believe the proposals will have little impact on safety.
- 3.2 They also state that a major issue is parked vehicles at the junction of St Monica Grove and the A167 Newcastle Road which narrows the carriageway at this point creating bottle necks. The resident also state that many cars are parked up for prolonged periods or to visit the Vets or Sainsbury's.
- 3.3 The objector also noted that vehicles park on the pavement which pushes pedestrians onto the carriageway, and that accessing and leaving their drives can be difficult with the poor visibility and moving traffic. They finish by asking if a parking permit scheme could be introduced in the area.

Response

- 3.4 The introduction of no waiting at any time restrictions will improve road safety, visibility and reduce obstructive parking on St Monica Grove on the carriageway bends outside of properties No.'s 2-4 & 9-11.
- 3.5 Alternative unrestricted parking is available elsewhere along St Monica Grove.
- 3.6 It's anticipated that the introduction of no waiting at any time restrictions will improve road safety and visibility on the junction of St Monica Grove and the A167 Newcastle Road
- 3.7 The Local Councillor who was the originator of the request was keen to progress with the proposals on road safety grounds with the backing of Durham Constabulary.
- 3.8 Parking causing unnecessary obstruction is an offense that can be enforced by Durham Constabulary.
- 3.9 Traffic surveys have been conducted in the Redhills/Crossgate area to see if it meets the criteria for Permit Parking. The result of these surveys determine that a resident permit parking scheme will not be pursued in this location at this

time. The county council parking policy states that the permit scheme can be pursued if the following criteria is met:

More than 40% of kerbside space is occupied by non-residents for over six hours in the survey period and more than 85% of kerbside space is occupied by any vehicles during the same six hours.

In this instance the figures for St Monica Grove were 25% of kerbside space for non-residential vehicles and 35% of kerbside space for any vehicles during the survey period.

4 Objection 2 (objected at the formal consultation stage)

4.1 The objector is a local resident. They are concerned that the introduction of no waiting at any time parking restrictions on St Monica Grove on the carriageway outside of properties No.'s 2-4 & 9-11 will restrict parking outside of their property, they believe there is no issue with vehicles parking in that location and it will cause a great inconvenience for themselves.

4.2 They believe a resident's permit parking scheme would be a fair solution.

Response

4.3 The introduction of no waiting at any time restrictions will improve road safety, visibility and reduce obstructive parking on St Monica Grove on the carriageway outside of properties No.'s 2-4 & 9-11.

4.4 Alternative unrestricted parking is available elsewhere along St Monica Grove.

4.5 The Local Councillor who was the originator of the request was keen to progress with the proposals due to road safety grounds with the backing of Durham Constabulary.

4.6 Traffic surveys have been conducted in the Redhills/Crossgate area to see if it meets the criteria for Permit Parking. The result of these surveys determine that a resident permit parking scheme will not be pursued in this location at this time. The county council parking policy states that the permit scheme can be pursued if the following criteria is met:

More than 40% of kerbside space is occupied by non-residents for over six hours in the survey period and more than 85% of kerbside space is occupied by any vehicles during the same six hours.

In this instance the figures for St Monica Grove were 25% of kerbside space for non-residential vehicles and 35% of kerbside space for any vehicles during the survey period.

5 Objection 3 (objected at formal consultation stage)

5.1 The objector is a local resident. They are concerned that the introduction of no waiting at any time parking and restricted waiting restrictions on St Monica Grove will only make the displacement of parking further along the road worse.

- 5.2 As St Monica Grove is recognised on the internet as a 'free parking area' in Durham for people to visit or work in the city, vehicles are often left all day and over weekends by train users.
- 5.3 The east end of St Monica Grove at the junction with Redhills Lane is particularly narrow where parked vehicles cause even more of an issue.
- 5.4 The only permanent and fair solution is for the introduction of Permit Parking on St Monica Grove

Response

- 5.5 The introduction of no waiting at any time and restricted waiting restrictions will improve road safety, visibility and reduce obstructive parking on St Monica Grove.
- 5.6 Alternative unrestricted parking is available elsewhere along St Monica Grove.
- 5.7 By introducing a no waiting at any time and restricted waiting restrictions on the east side of St Monica Grove with the junction of Redhills Lane should improve the safety for vehicles passing the section that is deemed narrow as the restrictions will stop any vehicles parking on the junction or along the stretch of restricted parking from 8am-5pm Monday – Friday.
- 5.8 Traffic surveys have been conducted in the Redhills/Crossgate area to see if it meets the criteria for Permit Parking. The result of these surveys determine that a resident permit parking scheme will not be pursued in this location at this time. The county council parking policy states that the permit scheme can be pursued if the following criteria is met:
More than 40% of kerbside space is occupied by non-residents for over six hours in the survey period and more than 85% of kerbside space is occupied by any vehicles during the same six hours.
In this instance the figures for St Monica Grove were 25% of kerbside space for non-residential vehicles and 35% of kerbside space for any vehicles during the survey period.
- 5.9 The Local Councillor who was the originator of the request was keen to progress with the proposals due to road safety grounds with the backing of Durham Constabulary.

6 Local member consultation

- 6.1 The Local Members have been consulted and are in support of the proposals.

7 Recommendations

- 7.1 It is recommended that Members resolve that they are minded to agree to set aside all objections, endorse the proposal and proceed with the implementation

of the Redhills/Crossgate area: Waiting and Parking Restrictions Order. With the final decision to be made by the Corporate Director under delegated powers.

8 Background Papers:

8.1 Correspondence and documentation in Traffic Office File and in member's library.

Contact: Peter Broxton Tel: 03000 263986

Appendix 1: Implications

Finance – Approx. cost - £2000

Staffing – Carried out by Strategic Traffic

Risk – Not Applicable

Equality and Diversity – It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation - No impact on staffing

Crime and Disorder - This TRO will allow effective management of traffic to reduce congestion and improve road safety.

Human Rights - No impact on human rights

Consultation – Is in accordance with SI:2489

Procurement – Operations, DCC

Disability Issues - None

Legal Implications - All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements

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Highways Committee

20 November 2018

Spennymoor Parking And Waiting Restrictions Order 2018



Report of Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

1. Purpose of the Report

- 1.1 In accordance with the Council's Scheme of Delegations to Officers, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2 To advise Members of objections received to the consultation concerning a proposed traffic regulation order in Spennymoor and Byers Green.
- 1.3 To request that members consider the objections made during the advertising period.

2. Background

- 2.1 Following the successful implementation of Civil Parking Enforcement in Durham District in 2008 it was introduced into the Southern part of the County in 2012. Enforcement of all waiting restrictions within this area was undertaken by the County Council from this time.
- 2.2 The County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.3 Prior to this proposal, changes were last made to the Spennymoor Traffic Regulation Order in 2016. Since this time, a number of proposed amendments have been suggested by a variety of sources.

3. Proposals

- 3.1 A site meeting was conducted with the Local County Councillors to assess a number of proposed amendments to the parking and waiting restrictions within the town. These amendments are outlined below:

- Introduce and amend parking restrictions on Holborn Street to regulate parking and improve accessibility
- Amend time limited parking bays within the town centre to ensure a consistent time limit.
- Introduce waiting restrictions across the front of Thomas Wright House, Byers Green to aid access and visibility.

3.2 Statutory Consultees and all affected frontages were consulted in line with Statutory Instrument 2489 on the 23rd November 2017.

3.3 The formal advert was published and displayed in the local press and on site between 5th May 2018 and 26th May 2018.

4. Objections and Responses

4.1 **Objection 1** (objected at informal consultation stage)

4.2 The objector owns a business adjacent to the proposed parking bay changes. They believe that the introduction of the parking changes will not help the town and also asked Durham County Council to consider alternative location to facilitate extra parking.

Response

4.3 The time limits are being amended on the on-street parking bays to provide a consistent approach across the town centre. Time limited parking encourages a turn-over of kerb space and impacts positively on the economy of the adjacent areas to attract passing trade.

5 Objection 2 (objected at informal consultation stage)

5.1 The objector is a business owner on King Street. The objector offered no comments to support their objection.

6 Objection 3 (objected at informal consultation stage)

6.1 The objector is the business branch manager of a property adjacent to the parking bay changes. The objector states they need to be able to park in front of the office due to their diary commitments and to be in the office each day between specific hours.

Response

6.2 At present there is a 2 hours no return within 3 hours limit on the bays adjacent to this business. All day parking is detrimental to the local economy and the time limits on the bays will give customers a degree of certainty of finding a convenient parking place when visiting the town centre. It is expected that town centre workers park in one of the unrestricted off street car parks.

7 Objection 4 (objected at informal consultation stage)

7.1 The objector is the manager of a business adjacent to the parking bay changes. The objector stated that 1 hour stay is insufficient. Would like the time restrictions to be changed to 2 hours no return within 2 hours.

Response

7.2 At present there is a 2 hours no return within 3 hours limit on the bays adjacent to this business. All day parking is detrimental to the local economy and the local members would like to see a consistent limit applied to all on-street bays within the town centre. There are numerous unrestricted off-street car parks where motorists wishing to park for longer could use.

8. Objection 5 (objected at informal consultation stage)

8.1 The objector owns a business adjacent to the parking bay changes. The objector did not comment on the changes however they did ask for regular parking bays instead of the existing disabled parking bays.

Response

8.2 A town centre requires a range of different parking bays to enable it to meet the needs of its users. There are disabled bays positioned throughout the town centre and it should be noted that motorists displaying a blue badge may park for an unlimited length of time in a time limited bay.

9. Objection 6 (objected at informal consultation stage)

9.1 The objector is a resident who lives at No.52 High Street, Byers Green. The resident is concerned that parked cars will be displaced causing cars to park outside their home

Response

9.2 Thomas Wright House is a busy and popular hotel/ restaurant. Visibility for vehicles exiting the car park can be obstructed if cars are parked on High Street either side of the access. The proposed restrictions will enable safe access and egress to this business. Any displaced vehicles may park elsewhere on the public highway provided they are road legal and not causing an obstruction.

10. Statutory Consultation Representations

10.1 All other Statutory Consultees offered no objection:

- Durham Constabulary – No objections received
- Ambulance Service – No objections received
- Councillor Liz Maddison – in favour
- Councillor Kevin Thompson – in favour
- Councillor Geoff Darkes - in favour

- Fire Service – No objections received
- Bus companies – No objections received
- Road Haulage – No objections received
- Freight Association – No objection received

11.0 Local Member Consultation

11.1 The Local Members (Geoff Darkes, Liz Maddison and Keven Thompson) were consulted and offered no objection to the proposals.

12.0 Conclusion

12.1 In conclusion, there were no objections raised by the Statutory Consultees however there were a number of objections raised from the directly affected frontages at the informal consultation stage.

12.2 There were no objections received at the formal advertising stage by local businesses or residents.

13.0 Recommendations and reasons

13.1 It is recommended that Members resolve that they are minded to agree to set aside all objections, endorse the proposal and proceed with the implementation of the Spennymoor: Waiting and Parking Restrictions. Order 2018 with the final decision to be made by the Corporate Director under delegated powers.

14.0 Background papers

14.1 Correspondence and documentation in Traffic Office File and in member's library.

Contact: Ben Tunney

Tel: 03000 262734

Appendix 1: Implications

Finance –Capital

Staffing – Strategic Traffic

Risk – N/A

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation – No impact on staffing

Crime and Disorder - This TRO will prevent vehicles parking close to junctions.

Human Rights – No impact on human rights

Consultation - Is in accordance with SI: 2489. Informal consultation was carried out on 23rd November 2017 and the formal advertising stage was carried out 5th May 2018

Procurement – Operations, DCC.

Disability Issues - None

Legal Implications - All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements. This will result in an enforceable TRO.

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Highways Committee

20 November 2018

Tow Law Parking And Waiting Restrictions Order 2018



Report of Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

1. Purpose of the Report

- 1.1 In accordance with the Council's Scheme of Delegations to Officers, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2 To advise Members of objections received to the consultation concerning a proposed traffic regulation order in Tow Law.
- 1.3 To request that members consider the objections made during the advertising period.

2. Background

- 2.1 Following the successful implementation of Civil Parking Enforcement in Durham District in 2008 it was introduced into the Southern part of the County in 2012. Enforcement of all waiting restrictions within this area was undertaken by the County Council from this time.
- 2.2 The County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.3 Prior to this proposal, changes were last made to the Tow Law Traffic Regulation Order in 2015.
- 2.4 Road safety and congestion issues were raised concerning the traffic around Blessed John Duckett RC Primary School. These concerns were reported to the County Council by the Headteacher of the Primary School.
- 2.5 There are currently no parking restrictions outside of the school and as a result the area becomes congested at the start and end of the school day. Restrictions are proposed to ease congestion and improve road safety at this location.

3.0 Proposals

- 3.1 The proposal would see the introduction of formal waiting restrictions on the unclassified entrance road to the Primary School. A 'no stopping, Monday – Friday, 8am-9am & 2pm-4pm' restriction would be installed to the front of the school turning area / car park. A 'No Waiting, Monday – Friday, 8am – 9pm & 2pm – 4pm' restriction would be introduced on both sides of the entrance road from its junction with the B6301 Smith Street to a point immediately to the east of the school car park.
- 3.2 The carriageway in this area is unadopted and ownership has been researched. The legal status of the road is public footpath but as motor vehicles have been using it for over 20 years, they have claimed a prescribed right of use. The length of public footpath is maintainable at public expense. Therefore as with other areas of unadopted road/path in the County we are able to install road markings or restrictions provided we consult in line with Statutory Instrument 2489.
- 3.3 The initial consultation with affected frontages and all Statutory Consultees commenced on the 23rd November 2017. No objections were received at this stage
- 3.4 The formal consultation was advertised on site and in the local press between the 31st January 2018 and the 21st February 2018. At this point 7 objections were received

4. Objections and Responses

4.1 Objection 1

- 4.2 The objector is a parent of a child at the school and is concerned that if restrictions are installed, this will limit the areas near to the school where they can park.

4.3 Response

- 4.4 The proposed restrictions only cover the entrance into the school from the B6301. There are numerous alternative unrestricted areas nearby where parents can park if they wish to drive to the school.

4.5 Objection 2

- 4.6 The objector is a parent of a child at the school and they have concerns that the proposals will displace the problem into the nearby adjacent residential areas, causing more disruption.

4.7 Response

- 4.8 Whilst it is likely that parking displacement will occur, the restrictions will make the entrance and exit to the school safer for pedestrians. At present, it is

reported that indiscriminate parking leads to numerous road safety concerns and issues with accessibility. It is anticipated that these restrictions will address these road safety issues.

4.9 Objection 3 & 4

4.10 As above, these objectors are concerned regarding the lack of existing parking near to the school and the potential disruption caused by parking displacement. They go on to add that the area is only busy at the beginning and end of the school day.

4.11 Response

4.12 The restrictions are proposed to improve road safety and accessibility around the school entrance. There are alternative adjacent unrestricted parking areas which could be utilised by motorists. The area is extremely busy at the start and end of the school day and the restrictions have times associated with them to reflect this.

4.13 Objection 5

4.14 The objector is concerned about vehicles being displaced into Deerness Estate and Smith Street. They also have reservations about the level of enforcement that will be afforded to the site. Finally, they comment that the restrictions will predominantly be placed on an unadopted road and they are unsure if the County Council can do this.

4.15 Response

4.16 The restrictions are proposed to improve road safety and accessibility around the school entrance. There are alternative adjacent unrestricted parking areas which could be utilised by motorists. It is likely that some parking displacement will affect surrounding streets. Enforcement is the responsibility of the County Council and will be undertaken as and when is required. As identified in 3.2, consultation has been undertaken in line with statutory requirements and therefore the local authority can in this instance introduce waiting restrictions on unadopted highway.

5 Objection 6 & 7

5.1 The objectors make a number of points addressing why they are opposed to the scheme. Firstly, they question the County Council's authority to introduce restrictions on an unadopted highway. They also have concerns relating to the lack of suitable alternative parking places and the potential for obstruction of adjacent carriageways and driveways. The objector also notes that some of the vehicles parking in the areas to be restricted belong to school staff. Finally, they state that the school has no recognised travel policy and would like to see them reintroduce the drop off / walk to school scheme that they operated a number of years ago.

5.2 Response

5.3 As identified in 3.2, consultation has been undertaken in line with statutory requirements and therefore the local authority can in this instance introduce waiting restrictions on unadopted highway. The restrictions are proposed to improve road safety and accessibility around the school entrance. There are alternative adjacent unrestricted parking areas which could be utilised by motorists. It is likely that some parking displacement will affect surrounding streets. Formal restrictions are not necessary to enforce the offence of 'parking causing unnecessary obstruction'. In instances where this occurs, Durham Constabulary may issue warnings or notices to the offending party. Provided vehicles are taxed, tested, insured and not causing an obstruction they can legally park on the adopted highway on a first come, first served basis. The school does have a Travel Plan and will be made aware of the objectors comments relating to the reintroduction of the park and stride scheme which appears to have worked previously.

6. Statutory Consultation Representations

- 6.1 All Statutory Consultees offered no objection:
- Durham Constabulary – in favour
 - Ambulance Service – in favour
 - County Councillors no objection
 - Parish Council – in favour
 - Fire Service – no objections received
 - Bus companies – no objections received
 - Road Haulage – no objections received
 - Freight Association – no objection received.

7. Local Member Consultation

7.1 The Local Members) were consulted and offered no objection to the proposals. It is also noted that the Town Council were consulted and were in favour of the restrictions.

8. Conclusion

- 8.1 In conclusion, there were no objections raised by the Statutory Consultees.
- 8.2 There were seven objections received during the formal advertising stage by local residents. The proposed amendments to the restrictions are deemed necessary at this location to improve pedestrian safety around the school.

9. Recommendations and reasons

9.1 It is recommended that Members resolve that they are minded to agree to set aside all objections, endorse the proposal and proceed with the implementation of the Tow Law: Waiting and Parking Restrictions. Order 2018 with the final decision to be made by the Corporate Director under delegated powers.

10. Background papers

10.1 Correspondence and documentation in Traffic Office File and in member's library.

Contact: Rachael Smith

Tel: 03000 263693

Appendix 1: Implications

Finance – LTP Capital (approx. cost £2500)

Staffing – Strategic Traffic

Risk – N/A

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation – No impact on staffing

Crime and Disorder - This TRO will assist ease of traffic movement around the school.

Human Rights – No impact on human rights

Consultation - Is in accordance with SI: 2489.

Procurement – Operations, DCC.

Disability Issues - None

Legal Implications - All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements. This will result in an enforceable TRO.



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Notes:
 The postcode for this area is DL13 4AU
 These works will be outside of a school and will be busy during peak drop off and pick up times.
 PATH:

Rev/ Amdt	Drawn By		Approved By			Description of Amendments
	Name	Date	Name	Date	Sign	
	R.Smith	Feb 18				

 STRATEGIC TRAFFIC MANAGEMENT CORPORATE DIRECTOR OF REGENERATION & LOCAL SERVICES COUNTY HALL, DURHAM. DH1 5UQ	Project Blessed John Duckett - Tow Law
	Drawing Lining Only
Scales 1:1000 @ A4	Project/Drawing No. TM/40038/18/32

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