



Highways Committee

Date Monday 11 June 2018
Time 11.00 a.m.
Venue Shadforth Village Hall, South Side, Durham DH6 1LL

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest, if any
4. Various Roads, Bishop Auckland (Eleven Arches) - Traffic Management Order 2018 - Report of Corporate Director of Regeneration and Local Services (Pages 3 - 8)
5. Public Bridleway No. 12 and Public Footpaths Nos. 13a, 13b and 14 Shadforth Parish and Public Footpath No. 20 Haswell Parish - Highways Act 1980 Public Path Diversion, Creation and Extinguishment Orders - Joint Report of Corporate Director Regeneration and Local Services and Head of Legal and Democratic Services (Pages 9 - 38)
6. 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
1 June 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, K Hopper, S Hugill, K Liddell, O Milburn, P Oliver, R Ormerod, J Rowlandson, P Sexton, J Shuttleworth, A Simpson, J Turnbull and M Wilson

Contact: Michael Turnbull

Tel: 03000 269 714

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Highways Committee

11 May 2018



**VARIOUS ROADS, BISHOP AUCKLAND
(ELEVEN ARCHES)
TRAFFIC MANAGEMENT
ORDER 2018**

**Report of Ian Thompson, Corporate Director of Regeneration and
Local Services
Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

1. Purpose of the Report

- 1.1 In accordance with the Council's Constitution, Members are asked to offer guidance to the Corporate Director in the exercise of delegated decision making. The final decision is therefore one to be made under delegated powers.
- 1.2 To advise Members of an objection received to the Eleven Arches Traffic Management Traffic Regulation Order.
- 1.3 To request that members consider the objections made during the consultation period.

2. Background

- 2.1 Eleven Arches launched the "Kynren" event in July 2016. Kynren is an open-air live show which is to run on most weekends between July – September.
- 2.2 One of the planning conditions associated with this event stipulated that Eleven Arches should submit a Traffic Management Plan to the County Council prior to the first show. A specialist Traffic Management company were commissioned by Eleven Arches to prepare and present this plan. This document was subsequently given approval by the Local Authority.
- 2.3 The plan highlighted several key areas on the surrounding highway network that would need to be managed and controlled to maintain road safety and minimise congestion. An Experimental Traffic Regulation Order (ETRO) was introduced in June 2016 to implement the recommendations of the plan. The contents of the ETRO are shown below:

- 1 A689 - Road Closure (Prohibition of Vehicles)

- To permit safe egress from the site car parks, it is proposed that the A689 be closed between 22:00 and Midnight from its roundabout junction with High Bondgate to its junction with the C188. Event buses, emergency

service vehicles and visitors exiting the site will still be permitted to use the highway during the closure.

2 A689 – No Stopping

It is proposed that No Stopping be permitted on both sides of the A689 between its roundabout junction with the B6286 and its roundabout junction with High Bondgate.

3 C188 Toronto / Bishop Auckland

It is proposed that No stopping be permitted on both sides of the C188 from its junction with Barrington Street, Toronto to its junction with the access road to Bishop Auckland Rugby Club.

4 A689 – 40mph Zone

Introduce a 40mph speed limit between 00:01 and midnight on on the A689 between its roundabout junction with the B6286 and its roundabout junction with High Bondgate.

5 Public Rights of Way 85 & 86

To close the parts of Public Rights of Way 85 & 86 that are within the site boundary between 16:00 and midnight

6 Prohibition of Right Turn

To introduce a prohibition of right turn between 12:00 and 2:00 on the unclassified road exiting onto the A689 from Car Parks A & B. Also, introduce a prohibition of right turn between 22:00 and 2:00 at the northern end of the C188 exiting onto the A689

7 Unclassified Road 34.4 – Road Closure (Prohibition of Vehicles)

To close the Unclassified Road 34.4 between 18:00 and Midnight from its junction with the Market Place, Bishop Auckland to its junction with the Unclassified Road 34.5, Newfield. Residents will still be permitted to enter the area to travel to and from their properties.

8 A689 (northbound) – Prohibition of Right Turn

To introduce a prohibition of right turn (except event buses) between 12:00 and 2:00 on the A689 (northbound) entering the Unclassified access road to Car Parks A & B

9 A689 (northbound) – Prohibition of Right Turn

10 To introduce a prohibition of right turn (except event buses) between 12:00 and 2:00 on the A689 (northbound) entering the Unclassified access road to Car Park C

- 2.4 A proposal was put forward to make the ETRO permanent in 2017. Two objections were received at this point and the scheme was referred to Highways Committee on 24th July 2017.
- 2.5 The Committee made two recommendations :
- Amend the times of item 5 so that the Public Rights Of Ways are closed between 18:00 – Midnight.
 - Remove item 7
- 2.6 As changes were required, the ETRO could not be made permanent at this point. It was therefore proposed that a revised permanent TRO be produced.

3. Proposals

- 3.1 On 16th January 2018 all Statutory Consultees were consulted on proposals to introduce a permanent Traffic Management Order to control vehicular and pedestrian traffic associated with the Eleven Arches 'Kynren' event.
- 3.2 The Order contained the amendments recommended by the previous highways committee (24th July 2017)
- 3.3 The Order was formally advertised on site and in the local press between the 29th March and the 19th April 2018.
- 3.4 One objection was received at this stage.

4. Objections and Responses

- 4.1 **Objection** (objected at formal consultation stage)
- 4.2 The objector has made a number of comments about the event and the effect it has on local residents.
- 4.3 One of their concerns is the disturbance and nuisance caused during the operation of Car Park C. They claim that the noise and 'other pollutants' from this site impacts on the health of the residents.
- 4.4 Another concern they raise relates to the diversion route which is used during the times the A689 is closed. There is a narrow single track bridge which connects Toronto to Bishop Auckland and the concern is that emergency vehicles could be delayed.
- 4.5 The objector also requested evidence that the posting of the notices during the formal consultation period was undertaken in compliance with legislation.
- 4.6 Car Park C does not form part of this Traffic Regulation Order (TRO). The TRO prohibits the right turn entry into the car park from the A689 but the objector makes no mention of this in their correspondence. The car park is

approximately 60m from the nearest property and is separated by the A689 and an area of trees / hedges.

- 4.7 The A689 is closed between 10pm and midnight on event days to permit the safe egress of vehicles from the site car parks. Whilst this closure is in place, vehicles are diverted along the C188 which runs between Toronto and Bishop Auckland. Newton Cap bridge lies towards the southern end of this diversion route. The bridge is narrow and relies on vehicles giving way to each other to cross. Excessive delays to cross at this point are not considered likely at the times the closure of the A689 is in place. It should also be noted that emergency vehicles are exempt from the TRO and can still use the A689.
- 4.8 The order was advertised on site between the 29th March and the 19th April 2018.

6. Statutory Consultation Representations

- 6.1 All Statutory Consultees offered no objection:

7. Local Member Consultation

- 7.1 The Local Members (Joy Allen and Sam Zair) were consulted and offered no objection to the proposals.

8. Conclusion

- 8.1 In conclusion, there were no objections raised by the Statutory Consultees and no objections raised from the directly affected frontages at the informal consultation stage.
- 8.2 There was one objection received at the formal advertising stage by a local resident.

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 Various Roads, Bishop Auckland (Eleven Arches) Traffic Management Order 2018 with the final decision to be made by the Corporate Director under delegated powers.

The TRO will manage several key areas on the highway network surrounding the Kynren event that will control road safety and minimise congestion.

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 – Rechargeable Works – Recharged to Eleven Arches

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

Crime and Disorder – No impact.

Human Rights – Human Rights implications have been considered fully as part of this process. It is not considered that there will be any infringement upon the human rights of any person.

Consultation - Informal consultation was carried out on 16th January 2018. Formal Consultation was undertaken on the 29th March 2018. There was one objection received.

Procurement – Eleven Arches to procure a Traffic Management company to deploy necessary signage

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

11 June 2018

Public Bridleway No. 12 and Public Footpaths Nos. 13a, 13b and 14 Shadforth Parish and Public Footpath No. 20 Haswell Parish



**Highways Act 1980
Public Path Diversion, Creation and Extinguishment Orders**

Joint Report of Ian Thompson, Corporate Director of Regeneration and Local Services and Helen Lynch, Head of Legal and Democratic Services

1.0 Purpose of the Report

1.1 To consider an application to divert Public Bridleway No. 12 Shadforth, create Public Footpath No. 20 Haswell, and extinguish Public Footpaths Nos. 13a, 13b and part of 14 Shadforth. This will require three separate but related Orders. Under the Council's Constitution the decisions whether or not to make the Orders rest with the members of this Committee, as the application has attracted an objection.

2.0 Background

2.1 Public Bridleway No. 12 Shadforth Parish runs from a point on the C60 Shadforth to Ludworth road, running north to the farm buildings at Hill House Farm, then east and then north, passing around Crime Rigg Quarry to emerge onto the B1283, Durham Lane. It is isolated from other Public Bridleways, but is linked to a network of Public Footpaths in the area between the two roads. Public Footpaths Nos. 13a and 13b Shadforth Parish duplicate each other, while the short section of Public Footpath No. 14 Shadforth Parish south of Public Footpath No. 13 Shadforth Parish does not serve any obvious purpose. There are at present no connections between this network of paths and the wider network without using busy roads. An extract from the Definitive Map of Public Rights of Way is shown at **Document A**.

2.2 An application was received in November 2017 from Mr Barrass of Vickers and Barrass on behalf of L.G. Oliver and Partners, the owners of Hill House Farm, to divert Public Bridleway No. 12 away from the vicinity of the farm buildings and intensively used areas, to extinguish some of the duplicate Public Footpaths, and to provide a new Public Footpath No. Haswell parish to provide a connection for pedestrians into the Public Footpath network around

Ludworth and Haswell. The diversion is sought in the interests of the landowner who wishes to improve biosecurity and public safety at his expanding agricultural business. A statement as to the applicants' reasons for the proposals is shown at **Document F**.

- 2.3 The proposal would move Bridleway 12 from its current location to a more easterly route, following the current route of Public Footpath No 14 north from its junction with Footpath No. 13 and the C60 road. It would also extinguish Public Footpaths Nos. 13a and 13b, and the isolated section of Footpath No.14, and create a new Public Footpath No. 20 Haswell Parish running east from the unaffected section of Bridleway 12 to connect with Public Footpaths Nos. 5, 7 and 9 Haswell and 24 and 25 Shadforth.
- 2.4 All necessary gates, stiles and other works will be paid for by the applicant. A plan showing the proposal is shown at **Document B**.
- 2.5 Pre-order consultations have been carried out for this proposal. The Local Members, Shadforth and Haswell Parish Councils and the Ramblers Association did not raise any objections, and any responses are at **Document C**. An objection however was received from the British Horse Society, and despite further correspondence this objection was maintained. This correspondence can be seen at **Document D**.

3.0 Legal Framework

- 3.1 The briefing note at **Document E** describes the statutory framework.
- 3.2 The relevant statutory provision for the diversion of a public path is Section 119 of the Highways Act 1980. A Diversion Order can be made by the Council if it appears that it is expedient to do so in the interests of the owner/occupier of land or in the interests of the public, or both. In this case the Order would be in the interests of the landowner.
- 3.3 The Council must also be satisfied in making a Diversion Order that the ends of the diverted path are on the same or a connected highway and are substantially as convenient to the public as the existing path. In this case ends of the diverted bridleway are on the same highway, and it is argued that there is no loss of convenience for pedestrian as Public Footpath No 13 remains to provide an off-road link. For equestrian users of Bridleway No.12 the length of off-road route is reduced, but it is argued that equestrian use of Bridleway No. 12 is already very limited due to its lack of connections with other bridleways or safe road routes, so in reality there is very little inconvenience. The diverted route would actually be closer to the only other Bridleway in the area; Bridleway No. 16 Shadforth which comes into Ludworth from the south.
- 3.4 The Council also has a duty to have due regard to the needs of agriculture, forestry and the desirability of conserving flora, fauna and geological and physiographical features. In this case the needs of agriculture are relevant, and will be expanded upon by the applicant's representatives.

- 3.5 Before a Diversion Order is confirmed, the Council or the Secretary of State must, in addition to considering the above criteria, also be satisfied that the path will not be substantially less convenient to the public as a result of the diversion, and that confirmation is expedient having regard to the effect of the diversion on public enjoyment of the path as a whole, and on land crossed by the existing path or to be crossed by the new one. Bridleway No. 12 runs between two roads, and does not connect with any other bridleways. The proposed route of Bridleway No. 12 would reduce potential conflict between the public and farm vehicles and stock.
- 3.6 The relevant statutory provision for the creation of a public path is Section 26 of the Highways Act 1980. A Creation Order can be made by the Council where it appears that there is a need for a public path, having regard to the extent to which it would add to the convenience or enjoyment of a substantial section of the public or the convenience of local residents, and the effect any creation would have on the rights of the landowner. In this case the creation of Footpath No. 20 Haswell would add to the enjoyment and convenience of walkers by connecting the paths around Hill House Farm to the wider network to the east, and the creation has been offered by the landowner so has no detrimental effect on the landowner's rights, and therefore no compensation will be payable.
- 3.7 The relevant statutory provision for the extinguishment of a public path is Section 118 of the Highways Act 1980. An Extinguishment Order can be made by the Council where it appears that a path is not needed for public use. The confirming authority must also have regard to the extent to which the path would be likely to be used by the public if it were to be retained, and the effect of the extinguishment on the land served by the path. In this case Footpaths Nos. 13a and 13b duplicate each other and connect with the section of Bridleway No. 12 that is proposed to be diverted. If the diversion proceeds there will be no need for Footpaths Nos. 13a and 13b. Footpath No. 13 starts from the same point and is retained, providing the west-east link. The short isolated section of Footpath No.14 is not needed as Footpath No. 13 and the rest of Footpath No.14 (proposed as the new route of Bridleway No. 12) commence only a few metres away.
- 3.8 The confirming authority should also have regard to any material provisions of the Rights of Way Improvement Plan (ROWIP). The ROWIP for County Durham does not make specific reference to proposals of this kind other than to state that the Council will ensure that it deals with them in a balanced way as required by the legislation described.
- 3.9 The Council also has to have regard to the Equality Act in terms of the structures provided on new routes, and this will be addressed by ensuring that all new structures are in accordance with BS5709:2018, with gates where possible rather than stiles.

4.0 Comments on the objection

- 4.1 The objection from the British Horse Society can be summarised as follows; the diversion of Bridleway No. 12 will reduce the overall length of off-road riding

routes, with the local roads hazardous for equestrians; there are other options for diverting the bridleway or creating new bridleways; the proposed creation of Footpath No. 20 could be a bridleway creation; and the agricultural need for the proposals has not been clearly made.

- 4.2 The applicant has commented during the consultation period on the various points raised by the objector, and their comments are included at **Document D**.
- 4.3 In overall response to the issues raised by the objector, it can be commented that the location of Bridleway No. 12 means that use by and value to equestrians is very limited. It can only be reached by riding on busy roads, and does not connect with any other bridleways. It is only for those reasons that a reduction in the overall length of bridleway is felt to be acceptable. The applicant has put forward valid agricultural reasons why additional bridleways are not feasible at this location, given the large-scale and expanding operations planned for this farm. The applicant has agreed to an additional footpath that offers links into the wider network for walkers, and whilst making this route a bridleway was considered, the costs in fencing the route to separate cattle and horses would be prohibitive. The applicant does not require fencing for a footpath.
- 4.4 Opportunities to increase the number of bridleway routes are sought wherever they are practical, but at this particular location the value of any additional bridleways would be minimal given the difficulties in reaching the site by horse. In view of this, the additional footpath is felt to be a reasonable mitigation for the loss of some of the length of bridleway.
- 4.5 Members of the Committee are reminded that their decisions are on the proposals in the application, not any alternative proposals that might be suggested.

5.0 Assessment of application

- 5.1 The Committee must firstly decide whether it appears that, in the interests of the landowner, the public, or both, it is expedient that part of Bridleway No. 12 Shadforth is diverted.
- 5.2 The applicant has provided at **Document F** a detailed case for the diversion, and the consequent extinguishments and creation, and it is considered that the diversion is expedient in the interests of the landowner.
- 5.3 If the Committee is satisfied that the proposed Diversion Order would be expedient in the interests of the landowner, then it should next form a judgement on the convenience of the path as a result of the diversion and the expediency of the proposals having regard to the effect the diversion would have on the public's enjoyment of the path as a whole and on the land crossed by the path.
- 5.4 The new route of the bridleway will have a better surface and be fenced off from the fields, reducing the risk of any potential conflict with cattle or farm vehicles.

The proposed entrance/exit on the C60 road is considered to be safer than the existing bridleway entrance/exit. Given the context and location of this bridleway it is not felt that the diversion route is substantially less convenient, nor would it affect the public's enjoyment of the path as a whole.

- 5.5 The Committee must then decide whether there is a need for the creation of Footpath No. 20 Haswell. By connecting the existing path network around Hill House Farm with the wider network to the east around Ludworth, the convenience and enjoyment of the public as pedestrians is enhanced.
- 5.6 The Committee must finally decide whether Footpaths Nos. 13a, 13b and a short section of 14 Shadforth are not needed for public use. If the rest of the proposals are approved, then these paths are not needed.

6.0 Recommendations and reasons

- 6.1 Therefore, for the reasons set out above, it is recommended that the Committee agrees 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 or referred to the Secretary of State for determination.
- 6.2 For the reasons set out above, it is also recommended that the Committee agrees to the making of a Creation and Definitive Map and Statement Modification Order under the provisions of Section 26 of the Highways Act 1980, and that the Order shall subsequently be either confirmed or referred to the Secretary of State for determination.
- 6.3 Finally, for the reasons set out above, it is recommended that the Committee agrees to the making of an Extinguishment and Definitive Map and Statement Modification Order under the provisions of Section 118 of the Highways Act 1980, and that the Order shall subsequently be either confirmed or referred to the Secretary of State for determination.

Process after making a Diversion/Creation/Extinguishment Order (for information)

Should Members resolve that Orders be made in accordance with the recommendations above, this is merely the start of the legal process. In particular, once Orders are made, they must be publicised and the public will have an opportunity to formally object to them. Should objections be received, the Orders would have to be referred to the Secretary of State who would usually hold a Public Inquiry before making a decision upon whether or not to confirm the Orders.

Attached Documents to report

Document A	Definitive Map extract
Document B	Proposal plan
Document C	Consultation responses

Document D	Correspondence with objector
Document E	Briefing note
Document F	Applicants' case

Contact:	Mike Ogden	Tel: 03000 265331
	Neil Carter	Tel: 03000 269722

Appendix 1: Implications

Finance

The applicants will meet the costs of the new paths and have agreed to pay for the costs of the Orders.

Staffing

Not Applicable

Risk

Not Applicable

Equality and Diversity

Not Applicable

Accommodation

Not Applicable

Crime and Disorder

Not Applicable

Human Rights

The statutory procedures covering Orders made under s.119, s.26 and s.118 of the Highways Act 1980 allow any person to make their views known, and for any such views to be considered by an independent Inspector.

Consultation

See paragraph 2.5 of the report

Procurement

Not applicable

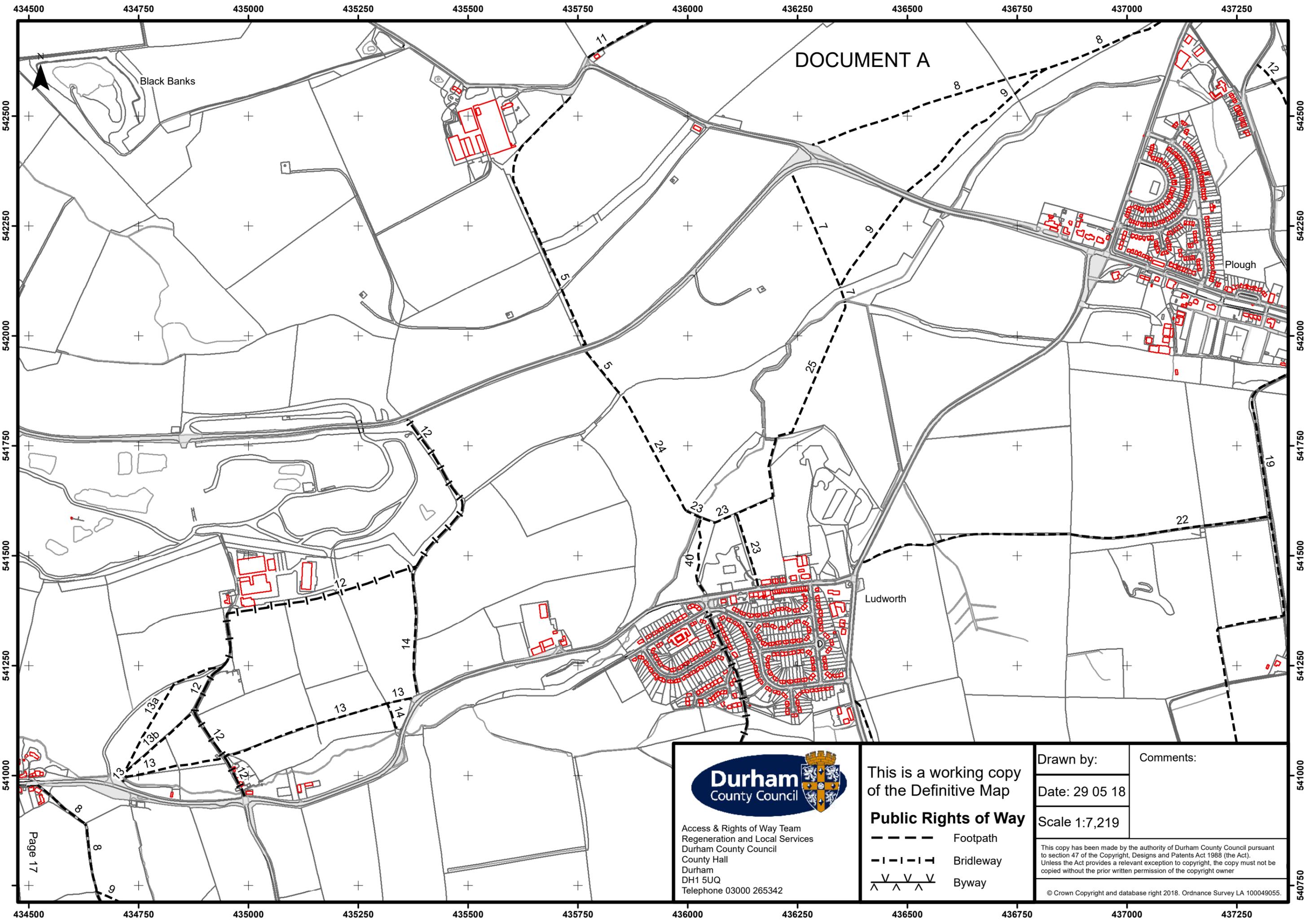
Disability Discrimination Act

Not Applicable

Legal Implications

See paragraphs 3.0 – 3.9 of report

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DOCUMENT A

Page 17



Access & Rights of Way Team
 Regeneration and Local Services
 Durham County Council
 County Hall
 Durham
 DH1 5UQ
 Telephone 03000 265342

This is a working copy of the Definitive Map

Public Rights of Way

- Footpath
- |-|-| Bridleway
- ^ v ^ v ^ Byway

Drawn by:

Date: 29 05 18

Scale 1:7,219

Comments:

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Consultation:**Highways Act 1980 Proposed changes to public paths in the vicinity of Hill House, Shadforth****Upgrading of part of Shadforth Footpath 14 to bridleway and creation of a new footpath in Haswell Parish****Closure of part of Shadforth Bridleway 12 and Footpaths 13a and 13b and part of Footpath 14**

1. Thank you for notifying me of these proposed changes thereby giving me the opportunity to comment.
2. As a member and volunteer of the British Horse Society on the County Durham Committee (Assistant Access and Bridleways Officer for East Durham) I am commenting on behalf of myself and horse riders in the area.
3. I have similar comments to make to those I gave in my response to the original application, for these proposals, when it was submitted in 2014. Particularly again dismay at the reduction of off road riding by the proposed change to Bridleway 12. As I noted before, there are few off road routes in the area and this further decreases the network.
4. Since the original application changes have been made to the main traffic route into the farm and a new access road is now sited from the trunk road near Shadforth village. This route passes to the south of the farm units housing livestock and south of Bridleway 12. It therefore seems eminently sensible as an alternative to the proposed new route to move the bridleway from the current route alongside the farm onto this access road, for a short distance, which is only used for farm traffic. This would keep horses further away from livestock, reducing the risk of contamination, and would be a more accessible route as currently one cannot ride a horse along the bridleway as a caterpillar type truck is sited at the eastern end thereby preventing entry/egress. (One can get through on foot. The gate at this end of the route has been removed. Anyone riding the route at the moment would have to use the farm road.) As traffic movement of livestock is estimated to be only 5 times a year this does not seem excessive for entanglement with users. And would be far better for the short distance concerned, rather than using the Shadforth - Ludworth trunk road. My experience of traffic on this road is that it is quite fast and does not move over, or slow down, for other users, and as there is no footpath alongside the road it's rather problematic.
5. As an another alternative, as I noted in my previous response (in Jan. 2015) to the application, it does not appear too difficult to change the eastern end of footpath 13 to bridleway and the rest of this route seems perfectly acceptable for use to join up with the current footpath 14 (proposed for change to bridleway), again making a full off road route avoiding traffic and the farm.
6. Again, regarding the creation of a new footpath in Haswell parish from bridleway 12, it would be considerably advantageous if the proposed footpath could be considered for creation as a bridleway. As well as ensuring the safety of riders away from traffic (and the safety of other road users encountering horses, and cyclists) it would improve the network of routes in the area for a more 'joined-up' network. As well as being an objective of Durham County Council and County Rights of Way planning, it is also an important part of county planning for improved access generally to East Durham and objectives to meet improved visitor/tourist numbers to the county as part of Visit Durham and other initiatives to improve the local economy.

7. If there are only sheep (or no livestock at all), which is often the case, in the fields this route crosses, no additional fencing would be needed to make a bridleway route. i.e. a fenced corridor would not be needed. Even if cattle are to be grazed on these fields, I would suggest a fenced corridor would not be needed. (I often ride routes in Cumbria where cattle are in fields crossed by bridleways with no separation fencing. There are only the usual reminders to ensure gates are securely closed at the entry points to the fields.)

8. It would also be considerably advantageous to users if the route could be considered bridleway all the way to the end route across the fields emerging at The Bottoms at Haswell Plough (footpath 9). The exit onto the road at this point would be far preferable to the exit/entrance for bridleway 12 as it is now at the northern end, with fast moving traffic on B1283 (Sherburn Hill - Haswell Plough). This part of the road, at The Bottoms, is of a more open aspect, with good sighting in each direction, has a grass verge and also footpath/pavement alongside the road on the north perimeter. This is a far safer situation for users.

9. My previous comments concerning various footpaths in the area, and consideration for upgrade to bridleways (and possible past evidence of their existence) still stands as valid information for input to improving the network in the area.

I'd be grateful if the above points can be taken into consideration when determining any changes to be made.

Thank you

Assistant Access And Bridleways Officer - East Durham

9 February 2018

From: Haswell ParishCouncil
Sent: 08 February 2018 20:22
To: Audrey Christie
Subject: Re: Proposed path changes Hill House Shadforth

Hi Audrey

I can now confirm we have no comments to offer.

Apologies for the delay in getting back to you initially.

Kind regards

Kay

Kay Tweddle, Clerk, The Haswells

Subject:

FW: Proposed path changes Hill House Shadforth

From: Robert Blackburn [mailto:

Sent: 29 January 2018 06:16

To: Public Rights of Way <pro@durham.gov.uk>

Subject: Re: Proposed path changes Hill House Shadforth

We Have no objections to the proposed changes.

Robert Blackburn

Ramblers

From: Shadforth Parish Council <shadforthpc@hotmail.co.uk>

Sent: 07 March 2018 20:01

To: Audrey Christie <audrey.christie@durham.gov.uk>

Subject: RE: Proposed bridleway changes Hill House Shadforth

Hi Audrey

One of my councillors has spoken with Mr Oliver on this matter. He explained the problem with extending the bridleway across his land and at our meeting last night members agreed to leave the proposals as you suggested. They have no objections.

Thank you for your time and waiting for us.

Julia Owston

Clerk to Shadforth Parish Council

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From: Angela Johnson [REDACTED] DOCUMENT D
Sent: 27 February 2018 21:48
To: Audrey Christie
Subject: Re: Hill House path proposals Shadforth

Hi Audrey

Yes, I confirm that is the case (as the local B.H.S. representative).

Best regards

Angela

British Horse Society

Access & Bridleways East Durham

On 27 February 2018 at 12:10, Audrey Christie <audrey.christie@durham.gov.uk> wrote:

Hi Angela,

Thanks for talking to me earlier. Could you confirm that you are wishing to sustain your (BHS) position, objecting to the proposed path changes at Hill House.

Regards

Audrey

Audrey Christie, Senior Rights of Way Officer, Regeneration and Local Services,
Durham County Council, County Hall, Durham, DH1 5UL

Tel 03000 265332

From: Audrey Christie
Sent: 23 February 2018 15:03
To: 'Dave and Ang'
Subject: Hill House path proposals Shadforth

Hi Angela,

Thanks for commenting on the consultation about the proposed path changes at Hill House Shadforth. I've gone back to the applicant for their response to your comments, including if there is scope to provide some additional sections of bridleway. I am not necessarily expecting for you to respond to each point individually but my main query is whether, considering the applicant's responses, you want for your comments to be considered as an objection to the proposals. If so, we will need to take the proposals to the Highways Committee when it would be anticipated that the BHS would make representations in person to the Committee. I think a chat by phone might be helpful so if ok I'll give you a ring next week when it's convenient (let me know a good time).

Below I've summarised the applicant's comments (as per your numbering)

3 Loss of bridleway length

Considers new section of bridleway will be of better quality and experience as it will be surfaced and fenced off from the surrounding field and better egress point at road. Addition of 1km of footpath helps mitigate the loss of some length of bridleway.

4 Cattle movement/equestrian conflicts along access road

Explains that although cattle are moved 5 x a year they are done so in batches so there are significantly more movements than this. In total amounting to 12,500 to 13,500 cattle movements across the bridleway. Also estimates an excess of 100 vehicular movements along the road a day.

5 Request for eastern end of footpath 13 to be upgraded to bridleway

Applicant wants to fence in any section of new bridleway due to safety concerns so would therefore want to double fence and reduce the size of paddocks in this area. Due to the scale of his cattle herd and holding cattle in this area before handling at the farm this compromises the management of the space.

6 Proposed footpath to be a bridleway

Similar concerns about conflict within an area where cattle are held and horseriders. A significant distance to fence and more difficulties with creating crossing points where cattle moved between land and farm.

7 Suggest no fencing needed if new bridleway

Applicant considers that due to the large numbers of cattle held and so risks are unacceptable if he did not fence.

8 Propose new bridleway all way through to Bottoms

Similar response to 7 which would require even more fencing. He doesn't agree as to the relative benefits of the safety at the egress point on the B1283.

Sorry to come back on this but hope we can talk it through further next week.

Regards

Audrey

*Audrey Christie, Senior Rights of Way Officer, Regeneration and Local Services,
Durham County Council, County Hall, Durham, DH1 5UL
Tel 03000 265332*

Consultation:

Highways Act 1980 Proposed changes to public paths in the vicinity of Hill House, Shadforth

Upgrading of part of Shadforth Footpath 14 to bridleway and creation of a new footpath in Haswell Parish

Closure of part of Shadforth Bridleway 12 and Footpaths 13a and 13b and part of Footpath 14

1. Thank you for notifying me of these proposed changes thereby giving me the opportunity to comment.
2. As a member and volunteer of the British Horse Society on the County Durham Committee (Assistant Access and Bridleways Officer for East Durham) I am commenting on behalf of myself and horse riders in the area.
3. I have similar comments to make to those I gave in my response to the original application, for these proposals, when it was submitted in 2014. Particularly again dismay at the reduction of off road riding by the proposed change to Bridleway 12. As I noted before, there are few off road routes in the area and this further decreases the network.
4. Since the original application changes have been made to the main traffic route into the farm and a new access road is now sited from the trunk road near Shadforth village. This route passes to the south of the farm units housing livestock and south of Bridleway 12. It therefore seems eminently sensible as an alternative to the proposed new route to move the bridleway from the current route alongside the farm onto this access road, for a short distance, which is only used for farm traffic. This would keep horses further away from livestock, reducing the risk of contamination, and would be a more accessible route as currently one cannot ride a horse along the bridleway as a caterpillar type truck is sited at the eastern end thereby preventing entry/egress. (One can get through on foot. The gate at this end of the route has been removed. Anyone riding the route at the moment would have to use the farm road.) As traffic movement of livestock is estimated to be only 5 times a year this does not seem excessive for entanglement with users. And would be far better for the short distance concerned, rather than using the Shadforth - Ludworth trunk road. My experience of traffic on this road is that it is quite fast and does not move over, or slow down, for other users, and as there is no footpath alongside the road it's rather problematic.
5. As an another alternative, as I noted in my previous response (in Jan. 2015) to the application, it does not appear too difficult to change the eastern end of footpath 13 to bridleway and the rest of this route seems perfectly acceptable for use to join up with the current footpath 14 (proposed for change to bridleway), again making a full off road route avoiding traffic and the farm.
6. Again, regarding the creation of a new footpath in Haswell parish from bridleway 12, it would be considerably advantageous if the proposed footpath could be considered for creation as a bridleway. As well as ensuring the safety of riders away from traffic (and the safety of other road users encountering horses, and cyclists) it would improve the network of routes in the area for a more 'joined-up' network. As well as being an objective of Durham County Council and County Rights of Way planning, it is also an important part of county planning for improved access generally to East Durham and objectives to meet improved visitor/tourist numbers to the county as part of Visit Durham and other initiatives to improve the local economy.

7. If there are only sheep (or no livestock at all), which is often the case, in the fields this route crosses, no additional fencing would be needed to make a bridleway route. i.e. a fenced corridor would not be needed. Even if cattle are to be grazed on these fields, I would suggest a fenced corridor would not be needed. (I often ride routes in Cumbria where cattle are in fields crossed by bridleways with no separation fencing. There are only the usual reminders to ensure gates are securely closed at the entry points to the fields.)

8. It would also be considerably advantageous to users if the route could be considered bridleway all the way to the end route across the fields emerging at The Bottoms at Haswell Plough (footpath 9). The exit onto the road at this point would be far preferable to the exit/entrance for bridleway 12 as it is now at the northern end, with fast moving traffic on B1283 (Sherburn Hill - Haswell Plough). This part of the road, at The Bottoms, is of a more open aspect, with good sighting in each direction, has a grass verge and also footpath/pavement alongside the road on the north perimeter. This is a far safer situation for users.

9. My previous comments concerning various footpaths in the area, and consideration for upgrade to bridleways (and possible past evidence of their existence) still stands as valid information for input to improving the network in the area.

I'd be grateful if the above points can be taken into consideration when determining any changes to be made.

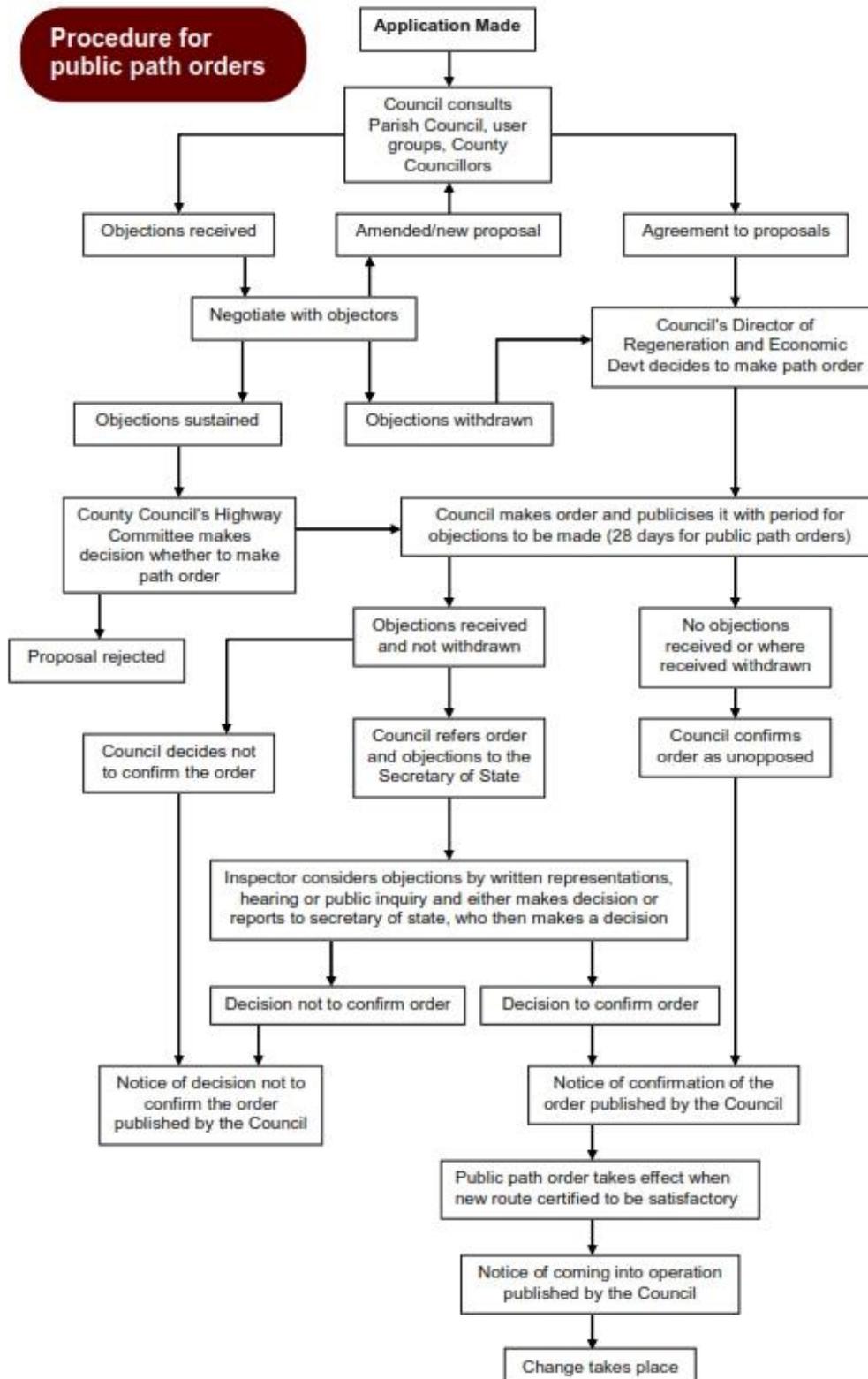
Thank you

Angela J. Johnson
British Horse Society
Assistant Access And Bridleways Officer - East Durham

9 February 2018

PUBLIC RIGHTS OF WAY PATH ORDER INFORMATION

Procedure for public path orders



CONCURRENT PATH ORDERS ie WHEN DOING A MIX OF CREATION AND/OR DIVERSION AND/OR EXTINGUISHMENT

Note that when considering a creation or diversion order, made in association with an extinguishment order the extent to which the proposed path/s would provide an alternative to that proposed for extinguishment may be taken in to consideration in determining whether or not to confirm the extinguishment order. Account should be taken of the convenience of the alternative path compared to that which is to be extinguished and if this is significantly less than that enjoyed by users of the existing path. Full consideration should be given to the matters set out in all the relevant sections of the Highways Act 1980 (described below).

CREATION OF FOOTPATHS AND BRIDLEWAYS – SECTION 26 OF THE HIGHWAYS ACT 1980

Section 26 of the Highways Act 1980 provides a power for the Council to create footpaths or bridleways.

The Council may make an Order where it is considered a need for the path but having regard to the extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area and the extent the creation would have on the rights of those with a legal interest in the land (eg ownership).

Consideration must also be given to the interests of forestry and agriculture, and the effect, if any, the creation of the path will have on these activities. However, authorities may decide that any effects may be compensated for.

The Highways Act provides for the payment by the order making authority of [compensation](#). In some cases authorities have been able to agree with the landowner a sum for compensation before an order is confirmed. However, this is not always possible. If a dispute arises as to compensation, it is determined by the Lands Tribunal after the order has been confirmed.

EXTINGUISHMENT OF FOOTPATH AND BRIDLEWAYS – SECTION 118 HIGHWAYS ACT 1980

Section 118 of the Highways Act 1980 provides a power for the Council to extinguish footpaths and bridleways.

The Council may only make a Public Path Extinguishment Order where it appears that:

It is expedient that the path or way should be stopped up on the ground that it is not needed for public use (Section 118(1)).

The Council (or the Secretary of State if the Order is opposed) shall not confirm a Public Path Extinguishment Order unless it is satisfied that:

It is expedient so to do having regard to:

- (i) The extent (if any) to which it appears that the path or way would, apart from the Order, be likely to be used by the public, and
- (ii) The effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation (Section 118(2)).

When considering either the making or the confirmation of a Public Path Extinguishment Order the Council (or the Secretary of State as the case may be) may have regard to the extent to which any Public Path Creation Order, Public Path Diversion Order or Rail Crossing Diversion Order being considered concurrently would provide an alternative path or way (Section 118(5)).

When considering whether or not to make a Public Path Extinguishment Order the Council must also have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna, and geological and physiographical features (Section 29 Highways Act 1980).

DIVERSION OF FOOTPATH AND BRIDLEWAYS – SECTION 119 HIGHWAYS ACT 1980

Section 119 of the Highways Act 1980 gives a discretionary power to the Council to divert a public path. A “Diversion Order” has the effect of extinguishing a path or length of path and creating an alternative path simultaneously.

The Council may make an Order where it appears to the Council that it is expedient to do so:-

- (i) in the interests of the owner, lessee or occupier of the land crossed by the path; and/or
- (ii) in the interests of the public

A Diversion Order shall not alter a point of termination of a path except to another point on the same highway or one connected with it and which is substantially as convenient to the public.

The Council (or the Secretary of State if the Order is opposed) may not confirm a Diversion Order unless satisfied that above criteria are met and that the path or way will not be substantially less convenient to the public as a result of the diversion and that it is expedient to confirm the Order having regard to the effect which:-

- (i) the diversion would have on the public enjoyment of the path as a whole:
- (ii) the diversion would have on land served by the existing path, and
- (iii) the new path would have on land over which the right of way is to be created.

A path which is diverted from land owned by one person onto land owned by another person may give rise to claims for compensation and this can be taken into account when considering points (ii) and (iii) above.

The Council may require an applicant (or joint applicants) to defray or make a contribution to:-

- (i) any compensation payable;
- (ii) any expense to the Council in facilitating the convenient exercise of any new path.

In making a Diversion Order the Council is required under Section 29 and 121(3) of the Act to have due regard to the needs of agriculture, forestry and the desirability of conserving flora, fauna and geological and physiographical features. The Council is also required, under the Countryside Act 1968 to have regard to the desirability of conserving the natural beauty and amenity of the countryside.

Applicants Case for the Proposed Diversion of Public Rights of Way adjacent to Hill House Farm

Prepared on behalf of Messrs Oliver.

1.0 Introduction

This report will discuss the reasons for the application for the diversion, extinguishment and creation of public rights of way proposed to be approved.

2.0 Background

Messrs Oliver purchased Hill House Farm in December 2013. At this time it was utilised as a mainly arable holding. Since the purchase significant investment has taken place in the creation of livestock housing for cattle and pigs alongside a further building for straw storage adjacent to a handling system for cattle and sheep (as hatched in red approximately on enclosed plan). The land is now utilised as a mixed livestock and arable farm. Hill House Farm is ran alongside Messrs Oliver's other holdings, Haswell Farm and Grange Farm. Hill House Farm is most suitable to be the hub farm steading as it is within the centre of the holdings and can be utilised for all cattle management across all of the land owned by Messrs Oliver with all cattle (fattening) brought to Hill House and then dispersed from Hill House into outlying fields.

3.0 Proposal

Messrs Oliver has proposed an alternative public access route (footpath) which provides a new link of a significant 1km length for pedestrians heading in the Haswell direction. Currently walkers who wish to travel this direction currently have to walk along the road, either the B1283 or the Ludworth Road. The new link would enable pedestrians to stay off road and will create much better connectivity for the north/south paths that it crosses. This application also offers an alternative bridleway leading from the highway to the eastern side of Crime Rigg quarry to join bridleway number 12.

4.0 Safety Issues

Across the summer months there can be between 2500-2700 cattle which are handled within the cattle sheds on the farm and around 600 housed in addition to the 2500 pigs in the winter months. To access Hill House Farm steading the section of bridleway 12 is utilised from land in all directions. Please see plan provided in order to demonstrate cattle movements on the holding. Land in the ownership of Messrs Oliver has been starred in red. It is clearly shown that Hill House Farm has a central location across the land holdings and consequently why it is utilised for animal handling. All cattle from the surrounding land are walked by foot to Hill House Farm. In addition to regular intakes of store cattle purchased throughout England and Scotland which are brought in either by articulated or rigid cattle wagons.

Movement schedule	
1	When cattle are brought onto site they are held in sheds at Hill House Farm to be dosed and vaccinated.
2	Turned out to grass
3	At 8 weeks cattle are brought in to be wormed
4	Turned out to grass
5	Brought in for final time at finishing weights.

As shown above, the cattle on this holding undertake five movements to and from the buildings. This accounts for approximately 12500- 13500 cattle movements across the bridleway. The public cannot be at risk from becoming entangled in these livestock movements which is the current position.

The section of the bridleway from the B1283 to Hill House Farm is regularly in use for livestock movements from the south. This track is not suited for a range of users as there is very poor visibility both onto the B1283 and along the track itself due to its steep sides and sharp corners.

At present vehicles, livestock, walkers and horse riders all come into conflict with each other posing dangers to all with the only current way of avoiding this is for farm workers to be positioned on the bridleway when the above regular livestock movements are taking place. This is practically unfeasible and the only solution is to have the bridleway relocated. Upgrading footpath 14 to a bridleway to meet the existing bridleway which follows round the east of the quarry would overcome the above mentioned safety concerns. This will be fenced to 4m wide but will be surfaced with stone, details of surfacing to be confirmed with DCC.

5.0 Bio Security Issues

All keepers of cattle are required by law to have their animals tested for bovine TB at prescribed intervals which must reflect the regional risks of bovine TB and comply with EU legislation. As an Approved Finishing Unit the farm operates a stringent TB testing regime which requires tests to be undertaken every 90 days at a minimum.

Testing is undertaken in batches of 300 and the cattle are required to be within the handling facilities on day 1 and 3 of the test. Consequently testing 600 cattle takes 4 days to complete spread out three days between each test. The cattle are also moved to the handling facilities at additional times for other welfare purposes and medical treatment over and above the normal management movements..

Hill House farm also runs a pig rearing enterprise fattening 2500 housed pigs. Bio-security is particularly paramount within a pig unit. Waste food may contain micro-organisms that are not harmful to humans but could be harmful to pigs consequently the public should not be able to walk in this close proximity to the livestock as contamination from discarded food, such as packed lunch boxes could cause a notifiable disease risk and threaten the pig industry. Examples of this are Swine Fever and Foot and Mouth Disease. This opinion has been validated by Howells Veterinary Services Ltd. A supporting letter from the Veterinary practice is enclosed within the application.

6.0 Farm Security

The security of the farm steading is inhibited by the existing right of way which runs past the farm steading. Farm steadings utilise a range of equipment which is not fixed and cannot reasonably be locked up at all times throughout the day due to regular use requirements, consequently farms are

often targeted by thieves. A right of way within this close proximity gives thieves the chance to inspect the holding, including layout for gaining access and awareness of the farms property. This right of way inhibits the farmer's ability to secure his property as public access makes it difficult to spot suspicious behaviour. The holding has been subject to thefts in previous years. This change to the right of way would be a key in making the farm holding more secure. An example of this was a break –in in September 2014 where a number of valuable tools were stolen. When reviewing CCTV footage of the incident it was clear that the right of way had been used to access the property.

7.0 Conclusion

This alternative routing provides significant public benefit whilst also overcoming issues currently faced at the farm steading. As outlined above there is a significant danger to the public who may accidentally become entangled within livestock movements and the only realistic way of overcoming this is to divert the public rights of way away from the holding.

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