



Highways Committee

Date Monday 15 April 2024
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 20 February 2024 (Pages 3 - 18)
4. Declarations of Interest, if any
5. Bridgehill, Proposed Traffic Calming - Report of Corporate Director of Regeneration, Economy and Growth (Pages 19 - 34)
6. Definitive Map Modification Application to upgrade Footpath 21 West Rainton to Bridleway - Report of Corporate Director of Neighbourhoods and Climate Change (Pages 35 - 64)
7. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
5 April 2024

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

Councillor R Ormerod (Chair)
Councillor G Hutchinson (Vice-Chair)

Councillors M Abley, D Boyes, I Cochrane, T Duffy, C Kay,
J Higgins, J Howey, L Maddison, R Manchester, E Mavin,
D Oliver, K Robson, A Simpson, G Smith, A Sterling, F Tinsley,
M Wilson and D Wood

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DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in the **Council Chamber, County Hall, Durham** on **Tuesday 20 February 2024** at **9.30 am**

Present:

Councillor R Ormerod (Chair)

Members of the Committee:

Councillors G Hutchinson (Vice-Chair), J Higgins, J Howey, L Maddison, E Mavin, D Oliver, K Robson, A Simpson, G Smith, M Wilson and D Wood

Also Present:

Councillor D Freeman, C Hood, D McKenna, E Scott and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane and A Sterling.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the meeting held on 8 December 2023 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

The Chair, Councillor R Ormerod noted he was a Local Member in respect of the reports at Item 5, however, he had not predetermined his position in relation to the matter.

Councillor E Mavin noted he was a Local Member in respect of the Item 5a, however, he had not predetermined his position in relation to the matter.

- 5 Durham City Parking and Waiting Restrictions and Durham City On Street Parking;**
- a Durham City (North East) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024**
 - b Durham City (North West) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024**
 - c Durham City (South East) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024**
 - d Durham City (South West) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024**
 - e Durham City - On Street Parking Places - Permits and Tariffs, Traffic Regulation Amendment Order 2024**

The Chair thanked those in attendance and asked the Lawyer (Planning and Highways), Neil Carter to explain the process in relation to the items on the agenda.

The Lawyer (Planning and Highways) reminded Members that they were not the decision makers, rather were providing a guide for the decision maker as set out within the Council's Constitution, the Corporate Director of Regeneration, Economy and Growth. He noted that there were several similar proposed Traffic Regulation Amendment Orders and that a joint presentation would be made for all those proposed Order, with Members voting separately on each of the Traffic Regulation Amendment Orders in turn after the presentation, address by registered speakers and Committee debate.

The Committee considered five reports of the Corporate Director of Regeneration, Economy and Growth which advised Members of objections received to the consultation concerning changes to the five Traffic Regulation Amendment Orders and requested that they considered the objections made during the informal and formal consultation period (for copy see file of minutes).

The Strategic Traffic Manager Dave Lewin, provided a detailed presentation including maps indicating the location of the proposals, aerial photos, photographs of the sites, and details for the following:

- all relevant on-street bays within Durham City such as loading, disabled parking, permit parking, taxi parking be amended so that they operate on a Sunday between 8am and 6pm.

- income from extending the charging regime to include Sundays and increase of charges by 20p/hour will allow us to extend our Park and Ride operation to provide a Sunday service to facilitate our visitor economy:
 - helping visitors access Durham and make trips more attractive, encouraging future visits.
 - reduce congestion and emissions
 - bring us in line with private sector parking providers in the City.

The Chair thanked the Strategic Traffic Manager and asked the Local Member for Elvet and Gilesgate, Councillor D Freeman to speak in relation to the proposals.

Councillor D Freeman thanked the Chair and Committee and noted that Durham City was unlike any other town or village in the county, having on-street parking within residential areas and some drivers parking all day, presenting an issue for residents parking. He added he supported the increase in charges, to help encourage the use of Durham County Council (DCC) car parks or private car parks, or the Park and Ride. He noted the proposals would also help to tackle air quality in the city centre, and he felt that was positive and largely supported by residents within the city, being a win-win in terms of air quality and increased Park and Ride provision, including Sundays. He reiterated that he supported the proposals, hoping they would help prevent all day parking within residential streets within the city.

The Chair thanked Councillor D Freeman, noted there were no registered speakers from the public and therefore he would ask the Committee for their comments and questions.

Councillor D Wood noted he only heard one Local Member representing one of the areas effected speak, and not in terms of changes to Sundays and asked what the response had been from the other Local Members. He noted the reference to savings and revenue generated and asked how relevant that was, given that in other reports they were not given. He asked if relevant in this case, he could not see specifics within the report. Councillor D Wood noted reference to reduction in carbon emissions and asked what the environmental cost would be in terms of all the required alterations to signage across the area. He noted that the report referred to a meeting of the Cabinet held in September 2023 which set out proposals to extend parking controls, however, he could not see which agenda item was being referred to from that meeting. He noted page 146 of the Cabinet papers from September referred to passenger numbers on the Park and Ride remaining below pre-COVID levels and noted no reference to free parking after 2.00pm and Durham City within those minutes.

The Strategic Traffic Manager noted the Cabinet report covered various interventions and had asked that policy be reviewed to manage parking and provide better services.

He noted that included charges and tariffs, and the Park and Ride. He added that in respect of updates to signage, they would be done via a sticker to be placed on to existing signage.

He explained that all Local Members impacted were consulted, and there had been no objections from Durham Members, and while they had not submitted objections, they had not noted their support, other than Councillor D Freeman who had registered to speak at the meeting. He added that in terms of finances, if there had not been an increase in tariffs and introduction of tariffs on Sunday, then the operation of a Park and Ride service on Sundays would not have been possible. He explained that if there were any surplus, it would be ringfenced for traffic within County Durham.

The Chair noted the Cabinet Member, Councillor E Scott wished to make a point of clarification. Councillor E Scott emphasised that the decision was not one made by Cabinet, rather it was a delegated decision to be taken by the Corporate Director, having considered the comments from the Highways Committee. The Lawyer (Planning and Highways) reiterated that the decision was delegated to the Corporate Director, with the Highways Committee offering guidance, and was not a decision for Cabinet. Councillor D Wood noted that Cabinet had recommended that this report come forward and asked again in terms of whether savings and revenue could be considered as being material. The Lawyer (Planning and Highways) noted that Government guidance on parking schemes required them to be self-financing, with the Officer's report noting the increase from these tariffs would enable the improvements set out to be brought forward.

S Drummond, a member of the public present, noted that the increases proposed represented a disproportionate increase in terms of the lower charges. The Strategic Traffic Manager noted the flat increase was a practical consideration, noting if a percentage increase had been applied this would have represented fractions of pence, impractical to charge or collect.

Councillor J Howey asked if there was going to be more emphasis on advertising the Park and Ride services, and asked if any surplus could be spent upon maintenance of parking areas and bays. The Strategic Traffic Manager noted the Park and Ride service was advertised and the Council would always look to strengthen the promotion of the services available. He added that the benefits would be further than in terms of the positive impact upon parking, there were benefits to air quality and reiterated that Government noted that revenue must first be used to pay for a service, then any surplus ringfenced for traffic schemes, not for other purposes.

Councillor D Oliver noted he felt the proposals were broadly positive, with residents being able to weigh up the Park and Ride cost against parking charges and make a decision basis upon those.

He noted the focus on air pollution and asked what the main challenges were in that regard locally, in the context of the Council having declared a Climate Emergency. Councillor K Robson noted he was not a Member representing the city centre, however, he often used the Howlands Park and Ride and asked if the existing facilities were reaching capacity. The Strategic Traffic Manager noted that Howlands was at around 50-60 percent capacity, numbers not having rebounded post-COVID, and therefore there was around 40 percent capacity. He noted extension to the Howlands Park and Ride, as part of a student planning application, however, noted there was no further land available at the site. He noted that the Belmont Park and Ride had a huge capacity, and that work would start shortly on an extension to the Sniperley Park and Ride. He noted that accordingly, he was relaxed in terms of the capacity of the Park and Ride service.

Councillor L Maddison noted Appendix 3 to the report set out the responses to the consultation with 82 'negative effects business' responses. She noted she used to travel to Darlington weekly, however, parking charges implemented there had impacted visitor numbers. She noted she felt the economy should be encouraged and she felt that free parking for the Park and Ride would be a good option, to stimulate visitor numbers. She noted she would not be supporting the proposals.

S Drummond asked as regards updating Pop Cards online, noting there were not simple options. The Strategic Traffic Manager noted that it could be done online, not at the Park and Ride facilities themselves.

Councillor M Wilson noted she agreed with the comments from Councillor L Maddison in that the proposed changes would deter visitors and noted that for many people in surrounding suburbs and villages driving into the city was quicker than driving out towards the Park and Ride to then return back in towards the city. She reiterated that she felt there would be an impact upon tourists too, and felt it was 'off' to include the Sunday Park and Ride proposals in with the parking charge increases.

Councillor D Wood noted that the Park and Ride was a fundamentally good idea, however, parking charges were based on per vehicle and the Park and Ride charges were per person, therefore were more expensive and less convenient. He reiterated that he was very concerned in terms of the response from Local Members in this regard, noting of eight Members, only one had attended to speak, appreciating that Councillor R Ormerod was one of those Members and was in the Chair at Committee. He asked why bother consulting with Local Members if they were not going to respond, adding that only six percent of public respondents were in favour of the proposals. He noted capacity concerns, carbon concerns, and that the increases in charge disproportionately impact the cheapest tariffs. He noted the issue of charges on Sundays, with most respondents stating they felt it would hurt businesses.

Councillor D Wood noted that the turnover of parking spaces was difficult to quantify, and he felt the issue in terms of Medium-Term Financial Plan (MTFP) savings was something that should be looked at within the budget proposals being considered at Council next week. He added he felt that surely the Park and Ride service could be put on Sundays without additional revenue from parking charge increases. He noted that Council had supported a motion in relation to Cabinet looking at 'free after 2pm', however, it had yet to be discussed by Cabinet at this time. Accordingly, given almost none of the Local Members had come out in support of the proposals, and that there had been no significant support from the public, he would not be willing to support the proposals as set out in the report.

Councillor J Howey noted that often her experience in Durham had been that there was a queue for parking and suggested that encouraging the use of the Park and Ride would help, with any surplus being used for other traffic uses, such as supporting rural bus routes. She noted that in the past it had been the norm that most businesses did not open and trade on a Sunday. She added that was no longer the case, with many simply considering it another normal day, and therefore she could see no issue in terms of parking charges on Sundays accordingly.

Councillor M Wilson asked for clarification, whether surplus from the Park and Ride could be used to support rural transport, as she understood it was only for parking services and repairs to such facilities. The Strategic Traffic Manager noted the first use of any revenue was to provide the services, with surplus being ringfenced for transport measures.

Councillor D Freeman, in response to the comments from Councillor D Wood, noted that around 80-85 percent of the parking charges referred to within the reports related to his Electoral Division, and therefore the vast majority of the impact was for residents within his area. He reiterated that he supported all the proposals within the reports, including charges, although he could not speak for other Members representing other Electoral Divisions.

Councillor D Oliver noted he agreed with the comments from Councillor J Howey in that Sundays had changed from how they were in the past, adding from his experience that Durham had been very busy, especially the previous Sunday. He added he was not convinced that parking charges were the deciding factor in whether some visited Durham City, with the city being the 'jewel in the crown' of the county and people had moved on from COVID. He added he was very comfortable with the recommendation from Officers and agreed with the comments from Councillor D Freeman and felt that as a Local Member his comments should not be dismissed. He reiterated that therefore he would move that the Officers proposals be supported, and asked how local pollution levels were measured, what data was collected.

The Strategic Traffic Manager noted the air quality was an issue in the city, with around 30 percent of traffic going over Gilesgate Roundabout simply travelling through the city. He noted that the Park and Ride could effectively intercept a number of journeys that were just into the city itself, and impact positively upon air quality. He noted the plans to electrify the Park and Ride fleet, this also adding to improvements to air quality.

Councillor E Mavin noted he would second the motion supporting the Officer's proposals.

The Vice-Chair, Councillor G Hutchinson noted he had travelled from Bowburn to Durham with a cost of £12 for six hours and noted that support for the Park and Ride was positive. He noted that speaking to business owners in Coxhoe, where parking limits had been imposed, there had been an improvement for their businesses. He added he felt that a £2 charge for the Park and Ride, or 90p for parking still represented good value.

The Lawyer (Planning and Highways) noted a vote was required for each of the reports and asked if Councillors D Oliver and E Mavin were proposing and seconding each of the reports. Councillors D Oliver and E Mavin indicated that there were proposing and seconding each of the reports and upon a series of votes being taken, **Moved** by Councillor D Oliver, **Seconded** by Councillor E Mavin, it was:

Resolved:

- (i) That the Committee endorsed the proposal, in principle, to introduce the Durham City (North East) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024, with the final decision to be made by the Corporate Director under delegated powers.
- (ii) That the committee endorsed the proposal, in principle, to introduce the Durham City (North West) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024, with the final decision to be made by the Corporate Director under delegated powers.
- (iii) That the committee endorsed the proposal, in principle, to introduce the Durham City (South East) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024, with the final decision to be made by the Corporate Director under delegated powers.
- (iv) That the committee endorsed the proposal, in principle, to introduce the Durham City (South West) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024, with the final decision to be made by the Corporate Director under delegated powers.

- (v) That the committee endorsed the proposal, in principle, to introduce the Durham City (South West) - Parking and Waiting Restrictions, Traffic Regulation Amendment Order 2024, with the final decision to be made by the Corporate Director under delegated powers.

6 Seaham Off-Street Parking Places and On Street Parking Places - Parking & Waiting Restrictions

- a Seaham Off-Street Parking Places - Parking and Waiting Restrictions, Traffic Regulation Order 2024**
- b Seaham - On Street Parking Places - Parking and Waiting Restrictions, Traffic Regulation Order 2024**

The Committee considered two reports of the Corporate Director of Regeneration, Economy and Growth which advised Members of objections received to the consultation concerning changes to the two Traffic Regulation Orders and requested that they considered the objections made during the informal and formal consultation period (for copy see file of minutes).

The Strategic Traffic Manager provided a detailed presentation including maps indicating the location plan of proposals, aerial photos, photographs of the sites, and details for the following:

- pay and display parking (Monday – Sunday, 8am - 6pm) and terms and conditions be introduced within the six car parks listed below within Seaham:
 - Seaham Hall Beach
 - Vane Tempest
 - Terrace Green
 - Seaham Marina
 - Dock Top
 - Noses Point
- restricted parking be introduced on North Road in Seaham. Additional waiting restrictions will also be introduced on East Shore Drive, Dene House Road and Dene Terrace

The Strategic Traffic Manager referred to a plan showing where free car parking would be retained, noting paid parking would be £1 for up to one hour, and £3 for over one hour, with Christmas Day, Boxing Day and New Year's Day being free.

The Chair thanked the Strategic Traffic Manager and asked Local Member for Dawdon, Councillor K Shaw to speak in relation to the proposals.

Councillor K Shaw noted as a former Cabinet Member and Town Councillor for Seaham, he felt that the proposals would act to reduce visitor numbers, or as the Strategic Traffic Manager had referred to, 'deter' visitors. He noted that would impact on local businesses and the attraction of Seaham over other local coastal areas, such as Roker, were the lack of parking charges.

He added he felt there would be a knock-on effect, with those that had parked in what now would be charged car parks moving to the remaining free parking, impacting on those car parks and having a massive knock-on effect in those more residential areas. Councillor K Shaw noted that Seaham had been severely impacted since the pit closures and the retail impact was still being felt. He added that it was not just visitors that used those six car parks, local residents also used them regularly. He noted previous intentions in terms of a leisure centre in Seaham town centre, a once in a lifetime opportunity to address the aspirations of the local community, the renovations to North Terrace, including car parking, now to be charged for. He noted the businesses on the marina struggled in the wintertime, and businesses had raised these charges as an issue that would impact upon their viability if the intention was to deter visitors to Seaham. Councillor K Shaw asked for clarification whether the coastal charges were already factored into the MTFP already, making it effectively a done deal. He emphasised that 98 percent of responses were against the proposed parking charges and asked if no weight was being given to the consultation, then why bother carrying it out.

The Strategic Traffic Manager noted that the consultation was a statutory requirement where parking charges were being proposed and that in 30 years' experience in the industry, it was very rare to have those in support of a scheme respond to such consultation. The Lawyer (Planning and Highways) noted that the decision as regards on-street and off-street parking for Seaham had not yet been made, reiterating it was a delegated matter, with Members providing guidance via this Committee.

The Chair asked Councillor D McKenna, Local Member for Seaham, to speak in respect of the proposals.

Councillor D McKenna highlighted the levels of objection to the proposals from local residents, with over 90 percent against proposals. He noted he felt the majority were local residents, however, he noted additional objections from the Local MP, Graeme Morris, as well as from business owners and visitors to the area. He reiterated the comments made by Councillor K Shaw, noting that the free parking was the biggest attraction for Seaham, helping to sustain local businesses and keeping jobs in the area. He noted that he lived on North Terrace and that during the week, Monday to Friday, he very rarely saw anyone struggling to find a parking space in the car parks being referred to, weather dependent, however. He noted if there were better bus and train services, he could see how it may not impact on visitors, however, the poor services meant the majority came via car and many also used their cars as they also make use of the nearby shops and services.

Councillor D McKenna noted that the local economy as extremely fragile and if anything were to undermine footfall of visitors that would in turn undermine businesses. He noted the impact there would be on the local cafés that have been developed, where business owners have invested, then COVID hit. He added that businesses had just overcome those challenges and were now facing the prospect of the impact of parking charges. He asked who would pick up a coffee on the way to work if you had to pay to park in addition? He suggested no one. He noted that many people visited the area to access beach and asked if the Police had been consulted on the proposals, as there were yellow lines along the Vane Tempest area and he felt that when large events were being held, there would a lot of parking that would require enforcement action. He added that this would be an additional burden on Durham Constabulary. Councillor D McKenna noted that it was difficult to justify parking charges in a cost-of-living crisis, especially with there being a lack of investment in public facilities in the area, such as public toilets. He noted there was no real nighttime economy in the area, rather the majority of business was mostly at the weekend. He asked that Members of the Committee reject the proposals that he felt were self-defeating, represented a loss for local businesses, impacted jobs and presented an additional burden on the Police. He concluded by noting that all wanted to encourage people to come and visit Seaham and reiterated that its biggest asset was its free parking.

The Chair thanked Councillor D McKenna and asked Town Councillor E Bell, to speak on behalf of Seaham Town Council in relation to the proposals.

Town Councillor E Bell asked whether the charges were part of a strategy or simply picked out at random. He asked why there were no proposed charges at Consett, a similarly sized town, why was it just Seaham? He noted that local people and businesses had noted it was going to cost them thousands of pounds to park, and asked whether the charges were already factored into Council savings? He noted the costs of implementing charges, cameras, signage, enforcement and appeals did not appear to have been factored, as well as ongoing maintenance. He added the cost could easily be far larger than the projected income. He reiterated he felt that it was part of MTFP savings and noted Consett was not factored into MTFP savings, despite being a slightly larger town.

Town Councillor E Bell noted the parking charges were a huge disincentive to those wanting to shop at or visit Seaham. He added it would impact on residents too, especially those living next to those car parks that were remaining free to park. He noted the large amount of regeneration within Seaham through the previous Towns and Villages regeneration scheme, adding that the charges proposed were effectively a 'local levy' on businesses for just having a shop at Seaham. He reiterated he was using Consett as a comparison, as it was a similar size, however, Consett had recently had a new leisure centre, new swimming pool, all-weather pitch, while all similar schemes at Seaham had been cancelled. He asked why? He noted the proposals felt like a hurried 'quick fix' in terms of the budget, rather than being part of a whole of County Durham strategy.

He asked for confirmation that there were no parking charges being proposed for Consett and asked whether the proposals were effectively a done deal, were they factored into the MTFP? He concluded by noting he felt the proposals were not right and should be reconsidered, especially given how disgruntled residents were and in which way the recommendations and proposals had been made.

The Chair thanked Town Councillor E Bell and noted there were several members of the public to speak, he invited several in attendance to speak in addition to those who had registered prior to the meeting.

S Drummond asked as regards how would people know how long they needed to park and whether they would be required to have a parking app to do so. She referred to the previous items relating to the Park and Ride and noted that cars would still be on the road driving to those, and asked what would people do to access businesses and services after 6.30pm, such as the Gala Theatre? She noted the proposed increases and changes would be very off-putting to some that may wish to access such services. She noted the option of out-of-town shopping, however, that was not preferable and parking charges in the city were therefore a barrier to some. She noted that such barriers could be difference between some people going out at all and that Members need to think in terms of a cost-of-living crisis. She noted that if DCC was in debt, could it not be that it could just say it was going to be in debt anyway? She noted that residents were in poverty and the cost and energy required in terms of worrying about parking was considerable for some. She noted some people in receipt of universal credit may not be able to afford the £3 parking charge to go to Seaham for the day, and the introduction of charges was going to be a big issue.

The Chair noted the Durham reports had already been considered and voted upon, however, her comments were noted.

C Thompson noted he had been a local resident of Seaham for 35 years and praised the regeneration of the town as being excellent, with lots of visitors being very welcomed. He noted he lived at Seaham Lane and had never witnessed a queue of traffic of people waiting to get a car parking space. He noted there were no problems in terms of being able to get parked at any of the car parks within the report. He noted a recent day where the weather had not been very nice and one of the car parks had only three cars all day, he asked what revenue would be gained from such small numbers? He noted that North Yorkshire only charged for parking in summer and suggested this was something DCC should also consider. He added that the Asda carp park at the Byron Place Shopping Centre was included in with the 'free parking' referred to as being retained. He noted that that car park, especially at weekends, was incredibly busy, and if those wanting to shop were unable to park there, they would be displaced into nearby streets impacting upon local residents. C Thompson noted there was no leisure centre within Seaham and many managed to get exercise by visiting the coast, with a number of clubs and meeting in those car parks prior to accessing the coast/beach.

He added that those groups undertaking physical activity, along with those going solo, were helping to positively the mental health of those in addition to physical health. He noted that this was a big positive, helping to keep pressure off the local NHS, with many likely to stop such activities should parking charges be introduced. He concluded by noting that displaced parking from the paid car parks would go into the nearby residential estates.

F Regan noted she was born in Seaham and noted that people's freedom and the openness of Seaham was important. She explained that she worked in the NHS working with those with mental health issues. She emphasised the importance of the ability for those with anxiety and other mental health conditions in being able to access the outdoors freely and easily, highlighting the benefits of regular exercise and socialising, building up important real relationships with those in their local communities. She noted that people wanted Seaham to have a strong family environment, with lots of visitors being a positive thing with the issue of money being the main block for many people.

I Harrison noted that he was retired and lived at Houghton-le-Spring, and explained that during the week he, like many retired people, went to Seaham to enjoy the town, with many families attending at weekends. He noted that by introducing parking charges, the Council was taking away people's freedom and it represented another tax on people. He noted that it was not wanted by anyone and reiterated it was a tax and he would no longer be taking his grandchildren to Seaham at weekends. He noted it was just a tax to enable DCC to balance their budgets. He noted the Council should just balance their budget without additionally taxing the public. He noted he had recently been abroad and had not seen such parking charges in similar locations, and with DCC being just as bad as Sunderland Council. He noted that many preferred Seaham due to the free parking and asked how many would be put off by the charges, adding we were the most taxed country in the world and that he was disappointed by the very poor turnout at the meeting. He asked where were the local Councillors, noting it would not happen abroad and that he was very angry at the proposals.

V Trewitt noted the impact charges would have on mental health, on top of a cost-of-living crisis impacting the ability to pay. She added that the benefits for people being able to access the sea and the beach for exercise and to be in nature were considerable and she felt that both physical and mental health would suffer if people were not able to get to the beach as often. She noted the social strength in the areas, the place being a destination for various walking and running groups, as well as local groups and volunteers, such as litter-picking volunteers. She noted that charges would impact upon those free groups and volunteers. She noted the large number of families that go to the beach, looking in rock pools, a very good resource for local people as well as visitors from further afield. She noted that the proposals would impact a large number of people, including bikers and local schools that make trips to the beach and marina.

She concluded by noting that all those issues, including the impact upon mental health and the cost-of-living crisis, should be taken into account when making a decision.

C Wilkinson noted that she had been part of the fund raising for the local Tommy statue on the seafront, and she felt people's opportunity to visit was being taken away. She noted that if people were doing their shopping, parking would not be transferable and therefore it would not help in that regard. She emphasised that people's mental health and wellbeing needed to be taken into account, and she found the charges proposed for those with a disability to be offensive. She noted that on days with poor weather, there were very few people that actually attended the sea front, and she felt that the Committee had to take the views of the community on board. She asked would someone be walking the six miles between the car parks to check parking tickets were being displayed.

The Strategic Traffic Manager noted for clarity, in response to the comments from the Town Council, that it was only where issues have been identified that interventions would be looked at, such as at Seaham. He noted that in other areas such as Consett, Crook and Stanley among others, there had not been demand issues as there had been demonstrated in Seaham.

The Chair asked the Committee for their comments and questions.

Councillor J Howey noted similarities with the activities she accessed at Bishop Auckland, and emphasised she wanted Seaham to thrive, noting many from her area would travel to Seaham for a visit. She noted she felt a good way to be able to maintain the car parks was to introduce a charge, again similar to the previous item, with any surplus to be put back into transport related issues. She noted the cost of £1 for up to an hour or £3 for over an hour was around the cost of a coffee, and she felt the parking app was very easy to use. She reiterated the similarities with Bishop Auckland, including a food festival, and she understood such locations were marketed as destination towns. She reiterated she felt the parking charges would help to maintain the parking facilities and she would be supporting the proposals.

Councillor D wood noted the report was slightly different to those for Durham City, and noted it was odd not to have the name of the Local MP or Local Members in objection set out within the report, it not appearing to be very transparent. He added that the Strategic Traffic Manager had noted that the consultation was a statutory requirement, however, with 98 percent of respondents saying it was a bad idea and with the recommendation being to implement charges, he felt those view was very difficult to ignore.

Councillor K Shaw left the meeting at 11.22am

Councillor D Wood noted the figures within the MTFP savings discussed by Cabinet and noted the cost of the parking charges in relation to those savings. He added that, given the cancellation of the new leisure centre for Seaham, the introduction of parking charges added insult to injury.

The Chair asked why the names of the MP and Local Councillors had not been included. The Strategic Traffic Manager noted that when presenting the consultation response data, names were routinely redacted from the graphs and numbers presented within tables.

Councillor D Oliver noted his impression of Seaham from a recent visit had been that it was a fantastic place, adding he could see the attraction for many people. He asked how many free places would remain, should the proposals be implemented. The Strategic Traffic Manager noted there would be 793 free spaces remaining. Councillor E Mavin asked for clarity from the Officer in terms of the cost of making each of the car parks a paid car park. The Strategic Traffic Manager noted each would cost around £20,000 - £30,000, though that would include non-domestic rates, electricity and water charges as well as maintenance and winter maintenance.

Councillor M Wilson asked how many of the free car parking spaces were within the Asda car park, noting taking those into account that would not leave that many. The Strategic Traffic Manager referred to a slide highlighting the number of spaces at each, with around 348 at Asda.

Councillor D Oliver noted he felt Seaham was a fantastic visitor town and would still be a strong destination and he could not see the fees impacting and therefore he would move that the Committee support the Officer's proposals. Councillor E Mavin noted he would second Councillor D Oliver.

Town Councillor E Bell noted the new car park proposed was on a cliff and asked if the charges were going to pay for that, and where displaced parking would now go. Councillor D McKenna noted it was good that Members of the Committee were praising Seaham, however, the introduction of car parking charges and lack of investment by the Council in facilities such as public toilets were hindering the town. I Harrison noted the proposals would impact on the families and children visiting the sea front. Councillor J Howey noted she felt Seaham would remain a destination town and suggested the matter be put to the vote.

The Lawyer (Planning and Highways) noted a vote was required for each of the reports and asked if Councillors D Oliver and E Mavin were proposing and seconding each of the two reports. Councillors D Oliver and E Mavin indicated that there were proposing and seconding each of the reports and upon two votes being taken, **Moved** by Councillor D Oliver, **Seconded** by Councillor E Mavin, it was:

Resolved:

- (i) That the committee endorsed the proposal, in principle, to introduce the Seaham Off-Street Parking Places - Parking and Waiting Restrictions, Traffic Regulation Order 2024, with the final decision to be made by the Corporate Director under delegated powers.

- (ii) That the committee endorsed the proposal, in principle, to introduce the Seaham - On Street Parking Places - Parking and Waiting Restrictions, Traffic Regulation Order 2024, with the final decision to be made by the Corporate Director under delegated powers.

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Highways Committee

15th April 2024

Bridgehill

Proposed Traffic Calming

Ordinary Decision/Key Decision No.



Report of Corporate Management Team

Amy Harhoff Corporate Director of Regeneration, Economy & Growth

Councillor Elizabeth Scott, Cabinet Portfolio Holder for Regeneration, Economy, and Growth.

Electoral division(s) affected:

Benfieldside

1 Purpose of the Report

- 1.1 To request that members consider objections received in response to a consultation on a proposal to introduce traffic calming measures on Pemberton Road in Benfieldside.
- 1.2 In accordance with the Council's Constitution, Members are asked to decide, in principle only, whether to proceed with the Traffic Calming scheme, which will then guide the Corporate Director of Regeneration, Economy and Growth in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.

2 Executive Summary

- 2.1 Two representations have been received in relation to a proposed traffic calming scheme on Pemberton Road, Bridgehill.
- 2.2 Having considered the points raised in the objections, Officers have contacted the objectors but have been unable to resolve their objections. Overall, the scheme has been well received from other consultees. The scheme aims to improve road safety and maintain

lower traffic speeds by providing traffic calming in the form of a series of 6 road humps along a 450m length of Pemberton Road.

2.3 Local Members and Durham Constabulary have been consulted on the proposals. Responses in support of the proposals have been received from one local member as well as Durham Constabulary. There are no other outstanding objections to the proposals.

2.4 Consultation Period:

	From	To
Statutory Consultees/Informal Consultation	04.10.23	25.10.23
Formal Consultation	15.02.24	07.03.24

3 Recommendation(s)

3.1 Committee is recommended to:

Endorse the proposal, in principle, to introduce the traffic calming on Pemberton Road with the final decision to be made by the Corporate Director under delegated powers.

4 Proposal, Objections & Responses

4.1 The proposed location for the traffic calming that received objections during the consultation stages are detailed below.

4.2 Location – Pemberton Road, Bridgehill (to introduce traffic calming).

4.3 Proposal Background

Bridgehill is a suburb located to the northwest of Consett near Shotley Bridge in County Durham. The area predominately consists of residential properties, with on-street parking available, and a primary school situated to the south of Pemberton Road. Pemberton Road is a C class road that runs between Blackhill to Allensford.

In January 2023, officers from Durham County Council met with one of the local members to discuss road safety concerns, and potential solutions, to address concerns raised by the public regarding pedestrian safety and traffic speed on Pemberton Road.

Durham County Council investigated concerns and, in consultation with the Durham Constabulary, are proposing the most appropriate solutions to the issues raised.

The proposals include 6 consistently spaced road humps, over a 450m length of Pemberton Road, at locations adjacent to St Mary's RC VA Primary School, 45 Pemberton Road, 15 Melrose Court, 23 Pemberton Road, Bridgehill Playing Fields and 1 Pemberton Road. The proposal will maintain lower traffic speeds and enhance road safety.

4.4 Informal Consultation:

We directly consulted with our list of statutory consultees and although comments were forwarded, there are no outstanding objections to the scheme. We also consulted directly affected roadside frontage properties, where initial consultation responses were positive, with one response was received that wished to extend the scope the scheme.

4.5 Formal Consultation:

Consultation dates	Expressions in favour	Expressions against
15.02.24 to 07.03.24	0	2

4.6 Summarised objections & responses:

4.7 Objections:

2 residents who have objected to this proposal at the formal consultation stage. The reasons for their objection have been summarised below:

Objection 1:

- “I am disappointed that other methods of speed awareness have not been applied such as the electronic speed displays which are in use in local areas such as Durham Road, Blackhill and Shotley Bridge.”
- “Pemberton Road is the only access route to local streets and residential areas”.

- “It is also the access route to St Mary’s school and, rather than facilitate the flow of traffic, speed humps will contribute to greater congestion and traffic management issues”.
- “That will make crossing the road less safe for pedestrians in those areas”.

Objection 2:

- “I feel that the construction of road humps is a heavy-handed way of dealing with the issue”.
- “It will have a negative effect on people living in the surrounding area and using local facilities as they will not be able to access residential areas or community spaces without having to go over the road humps”.
- “Would the correct way to manage the situation be to identify any offenders and deal with them rather than penalise the entire community? The vast majority are aware of speed safety and stick to speed limits”.
- “If the concern is not only speeding, but also the build-up of traffic, then I feel that road humps will create a stop/start effect which contributes to congestion rather than facilitating the flow. This results in an increased risk of accidents for vehicles and pedestrians”.

4.8 DCC Response:

- Other methods of addressing the road safety concerns, such as electronic speed displays/vehicle activated signage is used where standard traffic calming features are not considered to be appropriate and only where there is an established excessive speed problem.
- At the time of design, the appropriate measures are based on the case that although there was not an excessive speed issue, concerns were raised regarding inappropriate speed. Inappropriate speed is where drivers are not driving to prevailing conditions but remain within the enforceable speed limit. As the concerns are not related to excessive speed, no police escalation is required, however, traffic calming aims to provide a consistent method of self-enforcement of lower speeds.

- Pemberton Road is an access route to local streets, residential areas, and St. Mary's school and it is these reasons that traffic calming measures are proposed, to maintain appropriate speeds and to enhance overall road safety.
- The traffic calming will assist in regulating traffic speeds, but such schemes are not expected to contribute to noticeable congestion within the area. There is no reason to expect this will have a negative impact on the safety of pedestrians crossing the road due to the expected lower traffic speeds.

4.9 See appendix 3 for full details of the objection(s).

5 Conclusion

5.1 Having considered the points raised within the objections. Officers have offered a substantive response to the key points. Accordingly, Officers remain of the view that it is necessary to introduce the proposals to enhance road safety for all road users in this location. It is therefore recommended that Members agree in principle to endorse the proposal to proceed with the implementation of the Traffic Calming with the final decision to be made by the Corporate Director under delegated powers.

6 Background papers

6.1 Correspondence and documentation in Traffic Office File:

<L:\Traffic Assets\101 - Traffic Calming Schemes\TA703 - C131, Pemberton Road, Bridge Hill - Traffic Calming>

Author(s)

[Thomas Burton]	Tel: 03000 262821
[Michelle McIntosh]	Tel: 03000 263685
[Kieron Moralee]	Tel: 03000 263368
[Dave Lewin]	Tel: 03000 263582

Appendix 1: Implications

Legal Implications

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

Finance

Regeneration

Consultation

Is in accordance with SI:2489.

Equality and Diversity / Public Sector Equality Duty

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

Climate Change

It is considered that there are no Climate Change issues to be addressed.

Human Rights

Any interference with human rights is considered to be necessary in accordance with the law and proportionate in order to address highway safety issues.

Crime and Disorder

No impact on Crime and Disorder.

Staffing

No impact on staffing.

Accommodation

No impact.

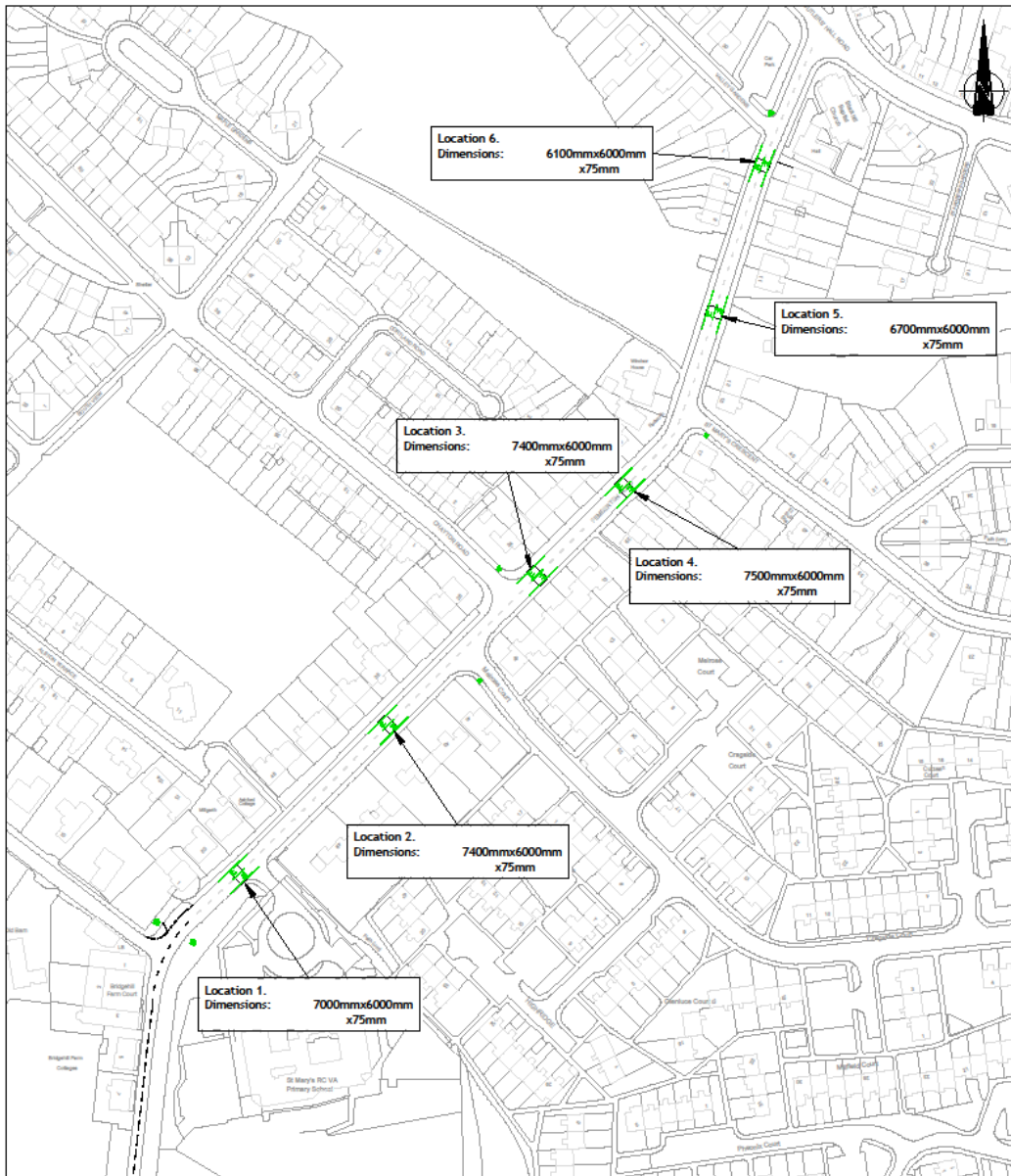
Risk


Not Applicable.

Procurement

Operations, DCC.

Appendix 2: Location of Proposals




 New Humps Ahead signage to be erected

Please note all traffic calming features are standard round top road humps 75mm maximum high

Rev	Drawn By	Approved By	Description of Amendments	
1	Name	Date	Name	Date
01	T. Turner	20/03/2024	M. Smith	20/03/2024

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 PROJECT 1A703 - C131, Pemberton Road, Bridge Hill - Traffic Calming

Corporate Director
Regeneration, Economy and Growth

Strategic Traffic Management
County Hall, Durham DH1 1TA

Drawn: General Layout

Scale: NTS @ A3 Project Number: 1A703 Rev: 0/-

Date: Traffic Report 2024 - Traffic Calming Scheme 1A703 - C131, Pemberton Road, Bridge Hill - Traffic Calming

Appendix 3: Objection Details

Location: Pemberton Road, Bridgehill – Objection 1

Sent: Friday, February 16, 2024 8:12 PM
To: Highways Orders <Highways.Orders@durham.gov.uk>
Subject: [EXTERNAL]:FAO Sharon Renwick, Legal Assistant, County Hall, Durham DH1 5UL re Speed Humps on Pemberton Road C131 ref 5002717

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[REDACTED]

I am complaining about the proposed construction of road humps on the C131 Pemberton Road, Bridgehill, Consett.

I am not aware of any accidents on the stretch of road concerned that would suggest that the construction of six road humps is required.

I am very disappointed that other forms of dealing with speeding traffic have not previously been applied eg speed activated signs etc.

I feel that the construction of road humps is a heavy handed way of dealing with the issue.

Would the correct way to manage the situation be to identify any offenders and deal with them rather than penalise the entire community? The vast majority are aware of speed safety and stick to speed limits.

If the concern is not only speeding, but also the build up of traffic, then I feel that road humps will create a stop/start effect which contributes to congestion rather than facilitating the flow. This results in an increased risk of accidents for vehicles and pedestrians.

It will have a negative effect on people living in the surrounding area and using local facilities as they will not be able to access residential areas or community spaces without having to go over the road humps. Eg Barley Mill Road and Allensford.

Durham County Council is constantly reminding the public of how it has had to reduce services as a result of cuts to funding from Central Government. I do not feel that the expense of this project is the best use of those limited resources.

Regards

[REDACTED]
[REDACTED]

Location: Pemberton Road, Bridgehill – Objection 2

From [REDACTED]
Sent: Friday, February 16, 2024 7:46 PM
To: Highways Orders <Highways.Orders@durham.gov.uk>
Subject: [EXTERNAL]:FAO Sharon Renwick, Legal Assistant, County Hall, Durham DH1 5UL or by email to Highways.Orders@durham.gov.uk (ref: 5002717)

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[REDACTED]

I write to object to the proposed speed humps on Pemberton Road C131 ref 5002717

I am disappointed that other methods of speed awareness have not been applied such as the electronic speed displays which are in use in local areas such as Durham Road, Blackhill and Shotley Bridge.

Pemberton Road is the only access route to local streets and residential areas and it is also the access route to St Mary's school and ,rather than facilitate the flow of traffic, speed humps will contribute to greater congestion and traffic management issues.

That will make crossing the road less safe for pedestrians in those areas.

They will have an adverse effect on local businesses such as the newsagents on Pemberton Road and access to the Baptist Church.

Regards

[REDACTED]
[REDACTED]

[REDACTED]

To keep in touch:

[REDACTED]
[REDACTED] and
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

To keep in touch:

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

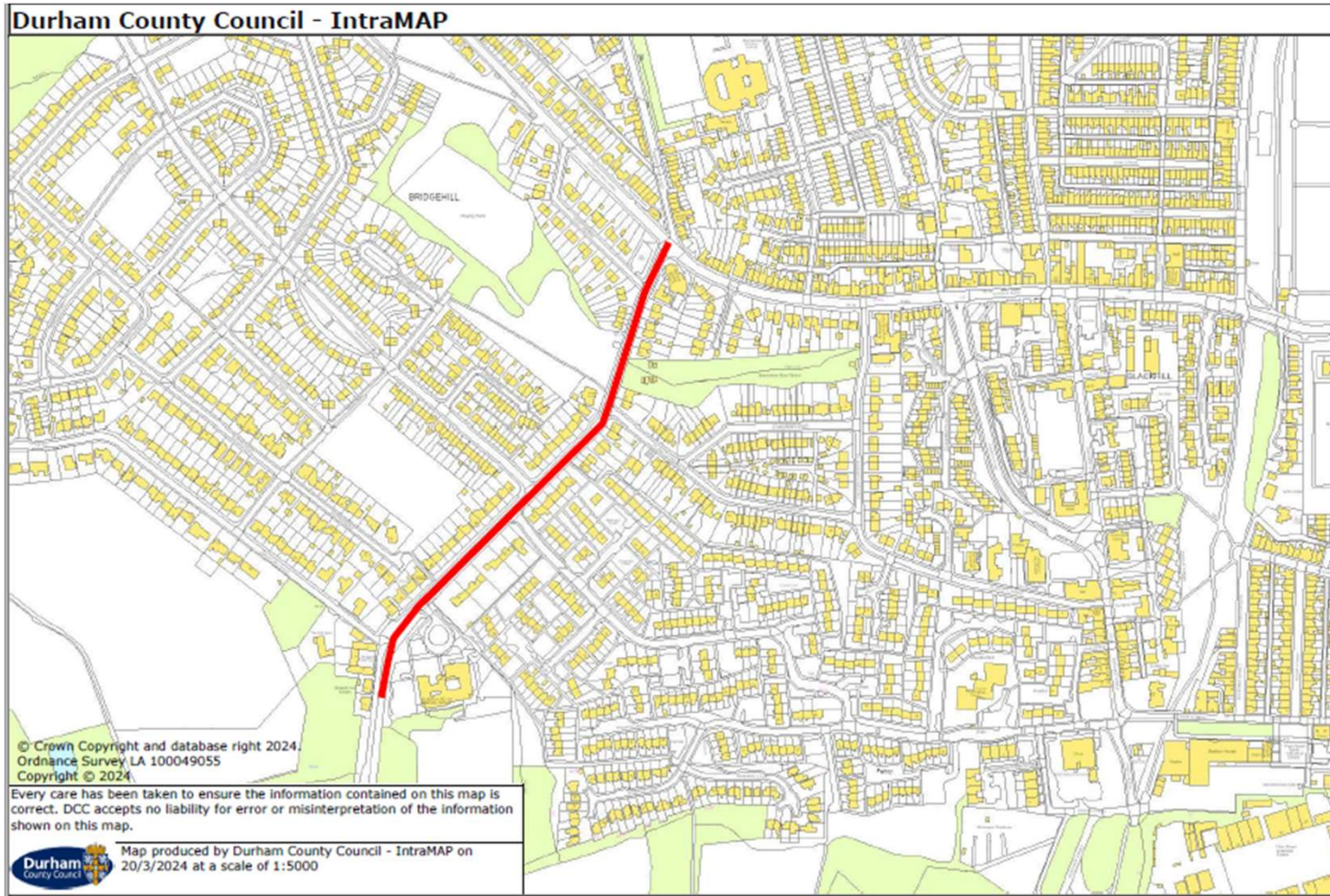
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Pemberton Road, Bridgehill Proposed Traffic Calming

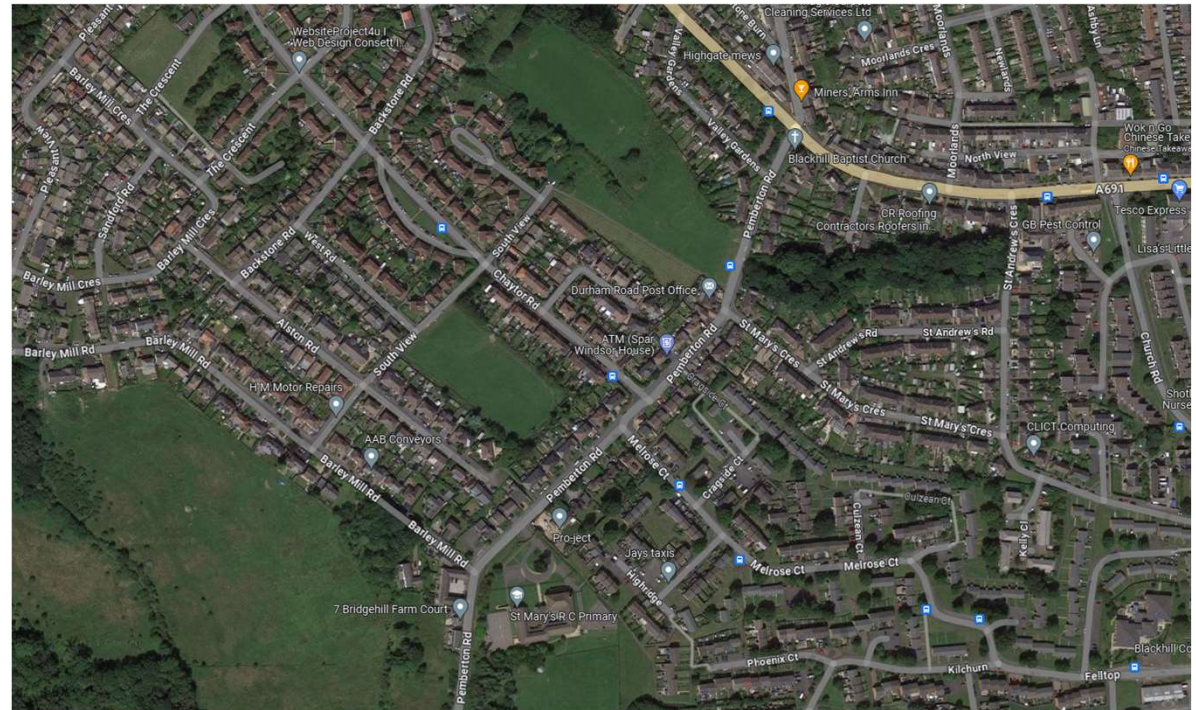
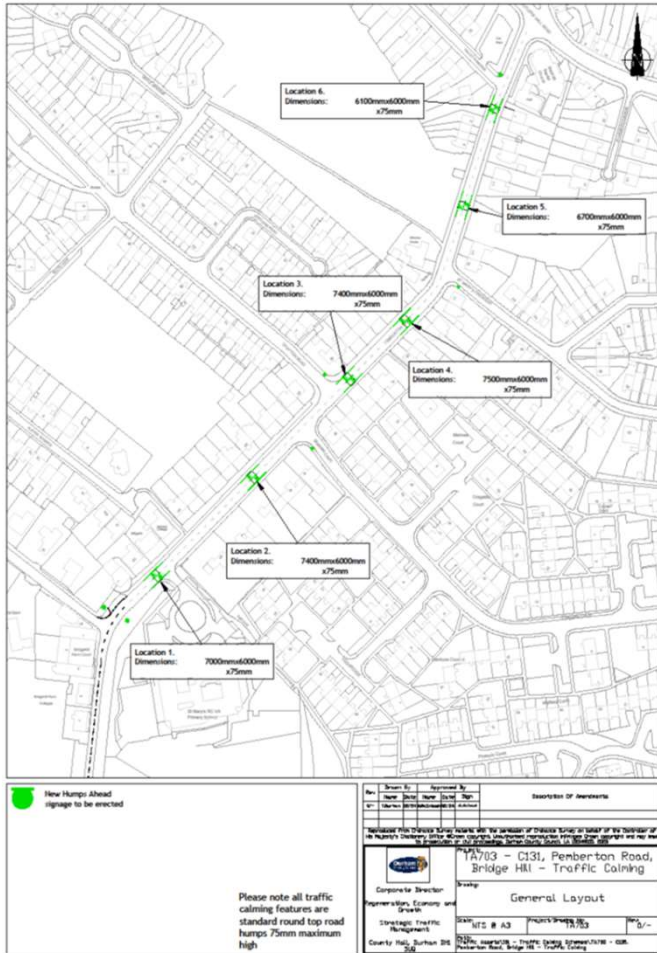
Highways Committee
15th April 2024



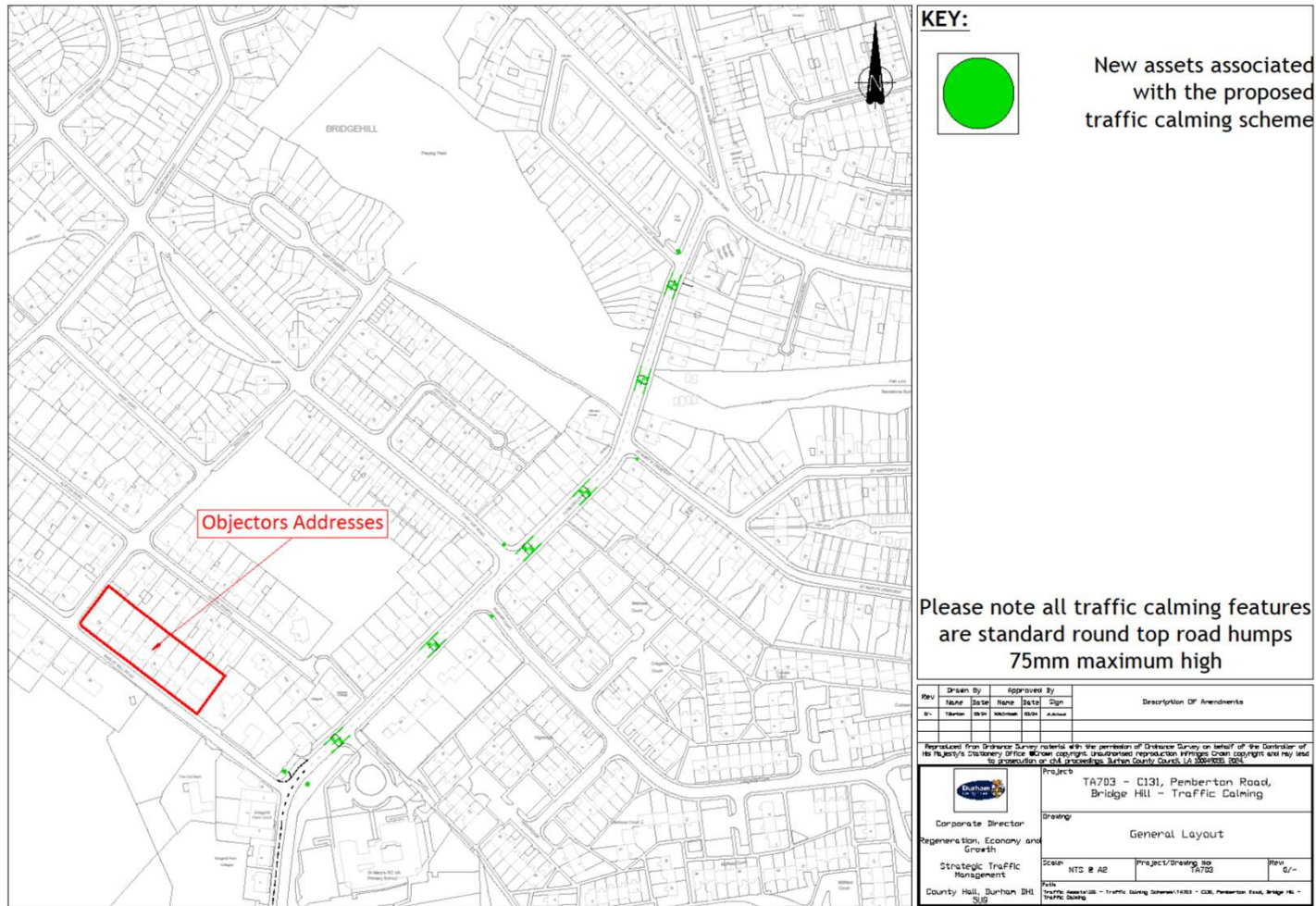
Location Plan of Proposals and Associated Buildings



Location – Pemberton Road, Bridgehill – Proposals Locations



Location – Pemberton Road, Bridgehill – Proposals & Objectors



Durham County Council - Summary

Location 1 – Pemberton Road, Bridgehill– It is proposed to introduce the proposals to enhance road safety for all road users as well as maintain lower and appropriate traffic speeds in this location.

Recommendation

Officers recommend that the Committee resolves to set aside the objection and endorse the proposal, in principle, which will then guide the Corporate Director in the exercise of delegated decision making.

Any questions?

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Highways Committee

15th April 2024

Definitive Map Modification Application to upgrade Footpath 21 West Rainton to Bridleway



Report of Corporate Management Team

**Alan Patrickson, Corporate Director of Neighbourhoods and
Climate Change**

**Councillor John Shuttleworth Cabinet Portfolio Holder for
Highways**

Electoral division(s) affected.

Sherburn

Purpose of the Report

- 1 In this report the Highways Committee is asked to consider an application to modify the Definitive Map and Statement of Public Rights of Way with the upgrade of Footpath 21 West Rainton to Bridleway (**Appendix 2: Document A**).

Executive summary

- 2 An application was received in 2018 from Ms Barbara Kilani to modify the Definitive Map and statement by the upgrading of Footpath 21 to a Bridleway. The Footpath starts at Marks Lane, north of West Rainton Village, and follows the line of a former section of the Rainton and Seaham Railway, that served several collieries in the Rainton area. Mrs Kilani also applied to Sunderland City Council to add a permissive route known as 'Meadows Lane' as a Bridleway, this connects with footpath 21 at the north end (**Document A**).
- 3 Footpath 21 has been used for many years by horse riders, cyclist and walkers, and a horse stile has been in situ at the Marks Lane end of the

route for approximately 18 plus years, verified by our RoW officer Kevin Telford who is the area officer (See paragraph 15 below, and **Document J and K**). The path joins Rainton Meadows permissive multi-user route (Sunderland). Upgrading Footpath 21 would formalise use of the route as it is currently and has been, by horse riders, cyclist, and walkers.

Recommendation

- 4 It is recommended that the Highways committee confirms to making the order to upgrade the Footpath to Bridleway on the Definitive Map and Statement, and its subsequent confirmation if no objections are received. This would accurately reflect current and historic use of the route.

Background

- 5 The application submitted in 2018 by Mrs Barbara Kilani seeks the upgrading of Footpath 21 West Rainton, to a Bridleway. The application was submitted with documentary evidence; however, historic maps; merely illustrate a timeline of the route's development from wagonway/railway to its status as Footpath and provides no evidence of public rights over the route. Previous officers should perhaps have advised gathering of recent user evidence to support the application. However, the path evolved from use of the former rail line post 1896, and although it was recorded as a Footpath on the first 1952 Definitive Map, it is arguable that the original survey, suggest higher rights should have been considered (**Document F**). Secondly, an attempt was made in 1989 to record the route as Bridleway based on twenty years use, officers at the time decided not to pursue the claim as not enough evidence forms showing full twenty years use were submitted.
- 6 The path joins a network of routes, some created following consolidation and landscaping of land east of the path following open cast mining, and the creation of Rainton Meadows Nature Reserve. However, despite being recorded as a Footpath, it is used by horse riders, cyclist and walkers exemplified by a horse step-over stile, in situ for at the least eighteen years at start of the route on Marks Lane (**Document B and K**).
- 7 Consultation has been undertaken with the landowners Mr and Mrs Green, the Durham Wildlife Trust, British Horse Society, Sunderland City Council, local Councillors, The Byways and Bridleways Trust, and the Open Spaces Society and Ramblers (**Appendix 3**).

Summary of Support and Objections

- 8 Support in favour of the upgrade has been received from the BHS, and the Open Spaces Society. No response has been received from any of the other consultees.

Documentary History.

- 9 **Extract of Dean and Chapter Plan and Reference Book 1840 (Document C: Reference DDR/EA/TTH/1/197)**

The plan shows the application route here numbered 119; the accompanying reference book notes this as wagonway. Starting at just to the south of application route on Marks Lane (which is not named on this plan) and running immediately south, is a former access road to a settlement called on this plan The Nut, the reference book names the settlement access as Meadows Road. However, it's clear that on the plan there is a connection between the road to the Nut and the wagonway, it is possible there was a path that ran alongside the wagonway.

West Rainton Tithe Map 1840 (Document D)

- 10 The Tithe plan is almost identical to the Dean and Chapter Plan, and they were produced the same year. The only difference is the numbering of the plots and features, the application route is numbered 104a Waggonway.

First Edition Ordnance Survey 1861 and 1947 (Document E)

- 11 The first edition map shows the route as a part of the Rainton and Seaham Railway, running northeast from the Adventure Pit over Marks Lane on the west and towards Meadows Lane, and Meadows Pit on the east. This line is shown without change on all consecutive Ordnance Survey Maps until the 1923 Map when the rail line is no longer illustrated, but the footprint of the route is still shown as it is clearly a landscape feature (the line was out of use and was eventually dismantled due to the closure of Meadows Pit for mining in 1896). It is arguable (as stated above) that an informal path may have run parallel to the rail line at this period as it joins the former Meadows Road/Lane at the north-east end (*author personal comment*).
- 12 The next map of 1947 shows a single dotted line annotated with FP running along the southern edge of the former line. Five years later the route was formally recorded as a Footpath on the first Definitive Map in 1952, at that time the path followed the course of the former rail line

from Marks Lane (northeasterly) and then turned north following the line of Meadows Lane (**Document G**). The accompanying survey description made prior to the production of the first map notes that “*it appears to be an accommodation road judging by wheel tracks*” (**Document F**). This simple observation, as well as noting that it was part known as Meadows Lane (to which it connected and followed north) suggest consideration should have given to higher rights than on foot alone.

Historic User Evidence

- 13 In 1989 user evidence forms were submitted in support of upgrading Footpath 21 (subject of this report) and Footpath 26 to Bridleway each form documented use on horseback and bicycle. At that time (1989) Footpath 21 extended beyond its current endpoint, continuing north along former Meadows Lane, and it appears there was a desire by users to create a legal network of connected paths with Bridleway status. However, the potential application was not pursued as it was deemed there was insufficient evidence as only 12 user evidence forms were returned. However, the discovery of the user forms within our RoW archive certainly corroborates the long use of the path by horse and cycle (**Document H**).

Rainton Meadows Management Plan (Document I)

- 14 The application route is shown in a management plan produced after the area formerly covered by the Meadows Pit was subject to open cast mining between 1993-1996 (Rye Hill Open Cast). Following open casting the site was restored, and several public paths were incorporated into the design, although Footpath 21 was already extant. The path connects to a route over the County Boundary that was designated in the plan as a Bridleway, it is now recorded as a multi-user permissive route, also subject to a Sunderland DMMO Application.
- 15 **Statement from Rights of Way officer Kevin Telford –**

Footpath no. 21 West Rainton Parish – equestrian use

I have been aware of regular equestrian use of public footpath no. 21 West Rainton Parish since 2006. This was facilitated by a wood horse stile on the path at the Marks Lane end which had clearly been in place for some time before 2006. To the best of my knowledge, I do not recall any attempts by the landowners to restrict or prevent equestrian access over the horse stile during the period 2006 – present.

There was an unsubstantiated assumption that equestrian use was permissive, although as far as I know this has not been actively demonstrated or proven.

The horse stile was relocated slightly in 2008 to facilitate the installation of a field gate and kissing gate.

K. Telford

- 16 To date there has been no attempt to restrict access to the path by horse riders and cyclist, despite use other than on foot being deemed technically illegal. The step over horse stile was not installed by the Council, and has been in-situ prior to 2006, no complaints regarding use on horse or cycle are recorded. There is no evidence that signs have ever been erected prohibiting horse and cycle use, this suggests a presumption of dedication as Bridleway by the landowner.

Assessment of the Evidence

- 17 The only considerations that the Council can take account of are those that relate to whether the alleged public right of way is reasonably alleged to subsist. It would be unlawful to consider issues such as the suitability or desirability of the route subject of the application.
- 18 The conclusive evidence in this case is not actually the mapping evidence, this provides a timeline of the path evolution from a waggonway. In fact, the evidence is best described as cumulative or corroboratory, the abandoned attempt to upgrade the route to Bridleway in 1989 (along with Footpath 26) with user forms submitted attesting to horse riding and cycling use. The existence of the wooden Horse Stile, in situ 18 years, and testimony of Rights of Way area officer Kevin Telford. The original 1952 survey also adds some weight as it is clear surveyors referred to the route as an accommodation road and noted wheel tracks, showing use other than on foot.

Legal Framework

- 19 Durham County Council as Surveying Authority has a duty to keep the Definitive Map and Statement under review. Under the provisions of Section 53 of the Wildlife and Countryside Act 1981, the County Council is required to make a Modification Order under section **53 (3)(c)(ii)** of the 1981 Highways Act, that discovery by the authority of evidence (ii) i.e. that a highway shown on the map and statement as a highway of a

particular description ought to be there shown as a highway of a different description.

- 20 The evidence provided by the applicant Mrs Barbara Kilani was documentary, and whilst not particularly strong it provided the impetus to look at the status of the route. The evidence is corroborative, and looked at together the 1952 survey noting "*part known as Meadows Lane*", and "*it appears to be an accommodation road judging by the wheel ruts*", and use of the route stated in 1989 abandoned application, and presumed dedication indicated by construction of the 'Wooden Horse Stile' in-situ over eighteen years, and no attempt enforce use only as footpath by the landowner nor indeed the County Council.
- 21 Section 32 of the Highways Act 1980 deals with the consideration of documentary evidence when determining whether a highway has been dedicated. It allows for any maps, plans or history of a locality or other relevant document to be tendered in evidence and for appropriate weight to be placed on the document including the antiquity of the document, the status of the person by whom and the purpose for which it was created and the source from which it has been stored and produced.
- 22 Once a highway comes into existence, it can only cease to be a highway in certain circumstances, such as by way of a formal stopping up.
- 23 The Human Rights Act is of relevance. Whilst article 1 to the first protocol (peaceful enjoyment of property) and article 8 (right to respect for family, private life and home) are engaged, it is important to note that these rights are qualified, not absolute, which means that they can be interfered with in so far as such interference is in accordance with domestic law and is necessary in a democratic society for the protection of the rights and freedoms of others. It is considered that any interference occasioned by the making of a Modification Order is both in accordance with domestic law (the Wildlife and Countryside Act 1981) and is in the public interest as it is necessary in a democratic society for the protection of the rights and freedoms of others, namely the public who wish to use the way.
- 24 Should Members resolve in principle that a Modification Order be made in accordance with the above legislation, this is merely the start of the legal process. Once a Modification Order is made, it must be publicised, and the owners will have an opportunity to formally object to it. Should objections be received, the Modification Order would have to be

referred to the Secretary of State who would usually hold a Public Inquiry before deciding upon whether to confirm the Modification Order

Main Implications

- 25 If this route is added to the Definitive Map and Statement as a Bridleway the County Council as Highway Authority will become responsible for the maintenance of the surface of the route to Bridleway standard. The County Council will also be responsible for the maintenance of the step over wooden horse stile, and gates (if applicable); After six months maintenance of such structures becomes the responsibility of the Landowner(s).

Conclusion

- 26 The application satisfies the condition of Section 53(3)(c)(ii) that a highway shown on the map and statement as a highway of a particular description ought to be there shown as a highway of a different description. The combination of evidence, including the original path survey, user evidence from 1989, testimony of the Rights of way officer Kevin Telford, who attested uninterrupted use over eighteen years, plus the creation of the Horse Stile which implies presumed dedication make evident that the correct status of the path should be Bridleway.
- 27 I would therefore ask the Committee to approve an order to upgrade Footpath 21 to Bridleway, and to modify the Definitive Map and Statement accordingly if no objections are received.

Background papers

- List any papers required by law / None.

Other useful documents

- Previous Cabinet reports / None

Author(s)

Dagmar Richardson

Tel: 07768107032

Appendix 1: Implications

Legal Implications

The legal duties imposed upon the Council are summarised from paragraph 19 of this report.

Finance

N/A.

Consultation

Appendix 3

Equality and Diversity / Public Sector Equality Duty

N/A.

Climate Change

N/A.

Human Rights

Paragraph 23

Crime and Disorder

N/A.

Staffing

N/A.

Accommodation

N/A

Risk

N/A.

Procurement

N/A.

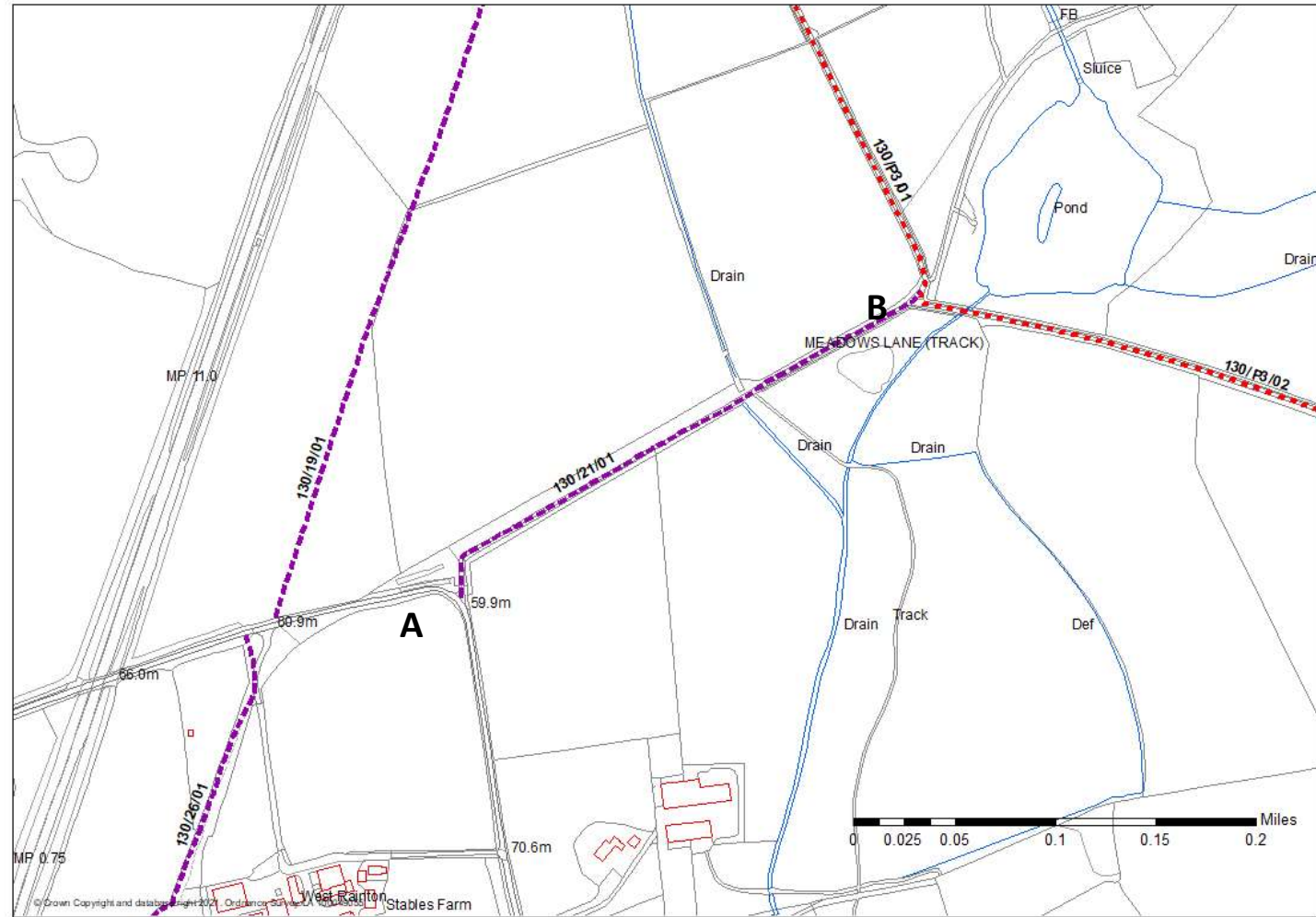
Appendix 2: Power Point Presentation Documents

Appendix 3: Consultation Response

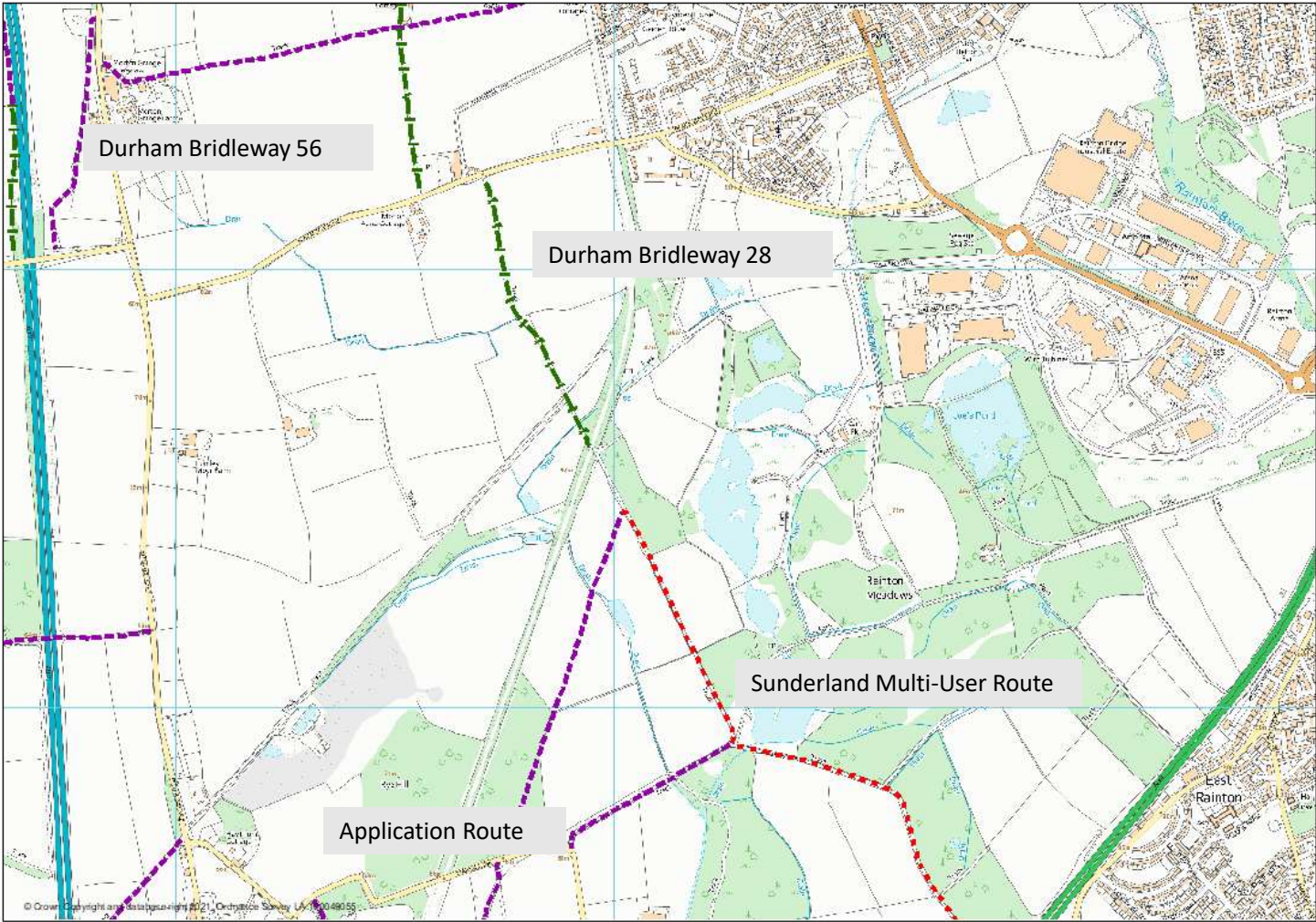
Definitive Map Modification Application Upgrade Footpath 21 West Rainton Document Evidence

Appendix 2

Document A: Route Location A – B and current Rights of Way



Document B: Location of connected routes.



Document C: Extract from Dean and Chapter Plan and Reference Book
 1840 – DDR/EA/TTH/1/197 24
 January 1840



67	Three corners	3	1	20		
68	Waggon Way (abandoned)	0	2	12		
79	Honey Nook	14	3	10		
Assigned to Mr. William Luthorn.					101	3 12.
110	Meadows	14	1	26		
111	Meadows Road	0	0	23		
119	Waggon Way from Adventous Colliery	0	1	24		
120	Meadows	2	1	19		
124	Meadows Road	0	0	20		
173	Meadows	3	2	2		



Document D: Extract of Tithe Plan and Apportionment 1840
(Ref -DCD/E/AF/3/1-2).



10 1/2 a	Meadows Road
10 1/4	Meadows
10 1/2 a	Maggon Way
11 6 a	Meadows Road
11 6	Sow Town Field
11 7	

**Document E: Extract from Ordnance Survey
Maps 1860 and 1946**

1861



1947



Document F : Copy of original survey for Footpath 21.

Name of path : Part known as Meadows Lane
Width of Path: This appears to be an accommodation Road, judging by Wheel Tracks.

Form No. 275. DURHAM COUNTY COUNCIL.
SURVEY OF PUBLIC RIGHTS OF WAY
FOR THE PURPOSES OF PART IV OF THE NATIONAL PARKS
AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PARISH OF *West Hamton* in the Rural District of *Barham*

Borough } of
Urban District } (Delete whichever is not applicable).

Reference No. of Path on Map. *21*
Name of Path (if any) → *Part known as Meadows Lane*
Status, i.e. Footpath, Bridle Road, &c. *FP*
Ordnance Sheet No. *XX NE*

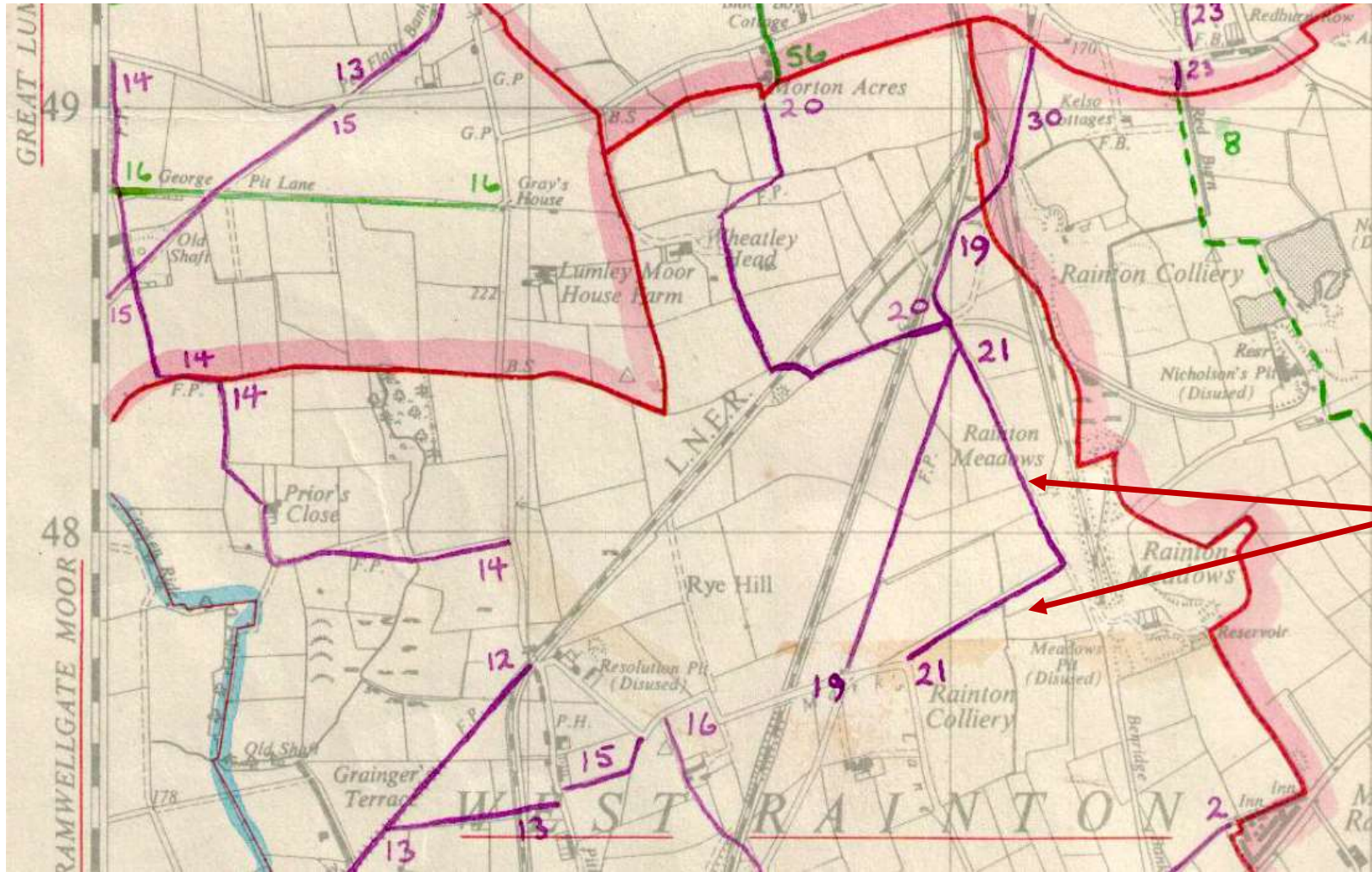
1. Starting point. *Marks Lane at Hises*
2. Brief description of route. *Extends N.E. connecting to Meadows Lane
thence in N.W. direction linking up with F.P. 20
immediately East of Railway.*

3. Ultimate destination. *Chilton M.*

4. Details of any special features along route, as map. (Symbols in Memorandum on Surv 1950, to be used).

5. Width of path (if defined). → *This appears to be an accommodation
Road judging by wheel tracks*
6. Type of Construction. *Condition Poor.*
7. If metalled, describe the stretch.
8. If ploughed, describe the stretch.
9. General condition of
(a) Path. *Poor.*
(b) Stiles, Gates, &c. *None*
(c) Footbridges or

Document G: Extract 1952 Definitive Map showing original extent of Footpath 21



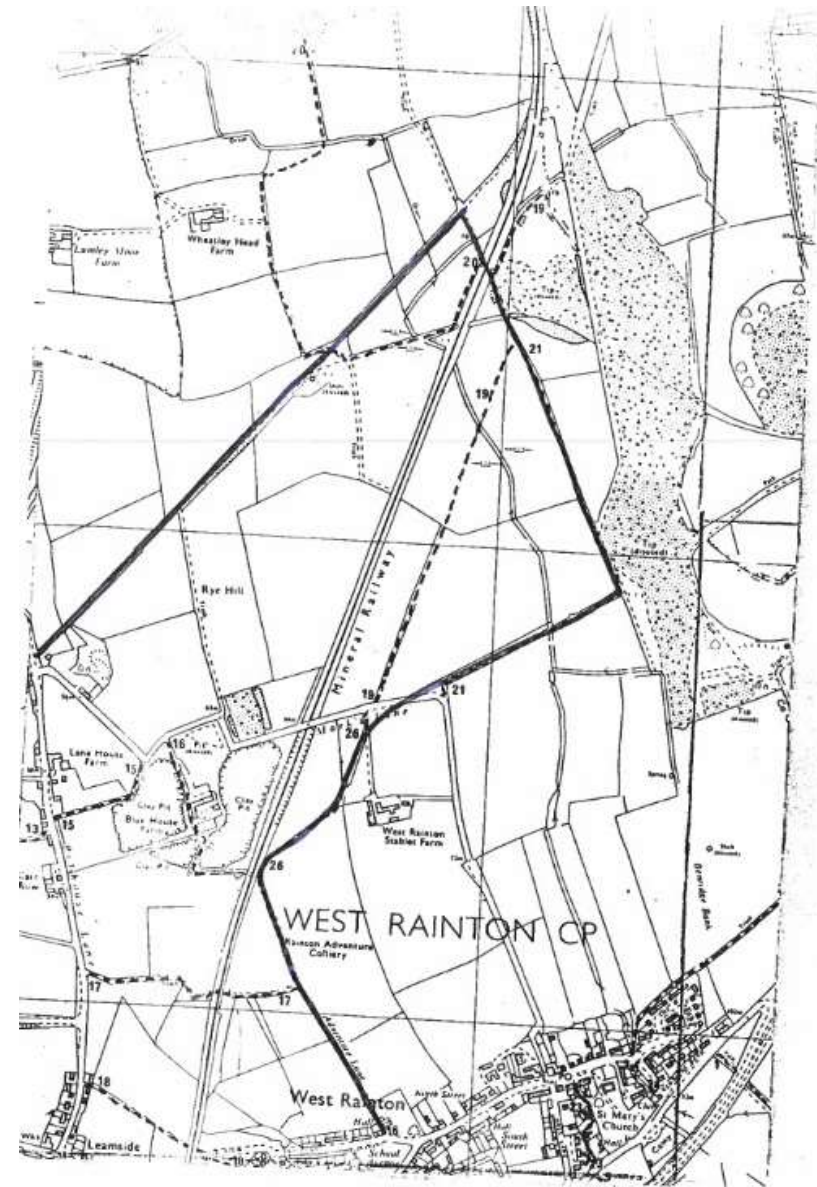
Former
extent of
Footpath
21

Document H: Map from User Evidence showing extent of upgrade to Bridleway applied for in 1989 and Summary of Forms

NEW CLAIM AND CLAIM TO UPGRADE FP26 AND 21 WEST RAINTON TO BRIDLEWAY

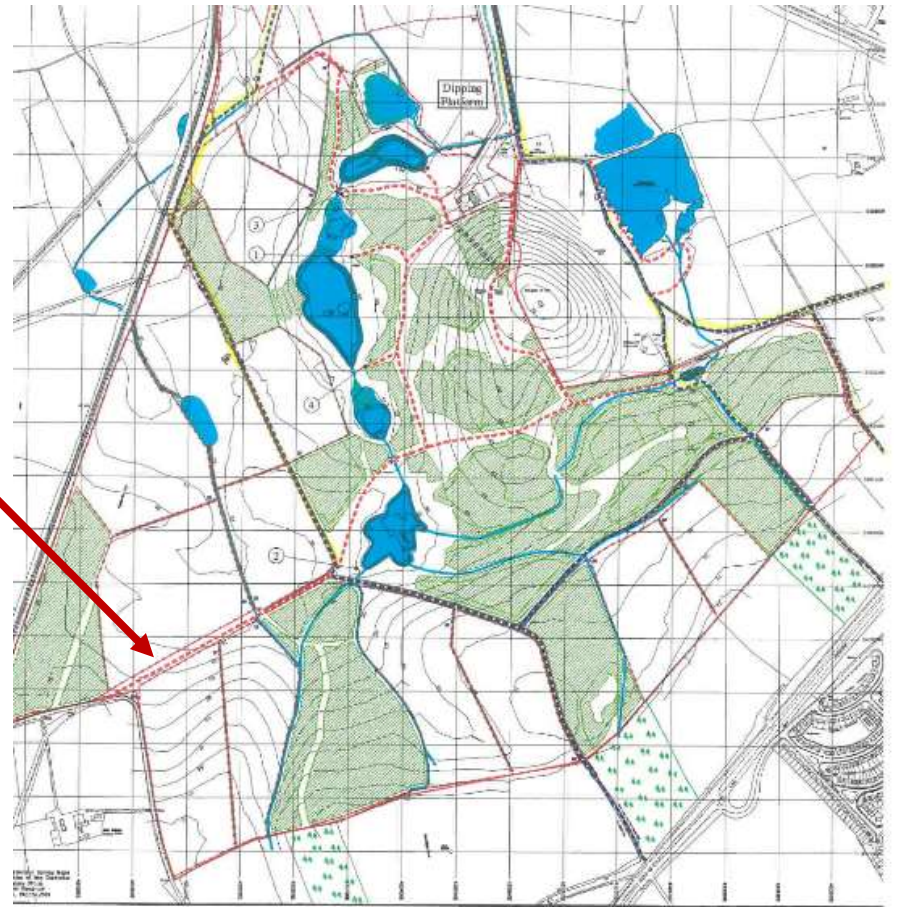
Name	Age	No of years used	Years of use	Purpose	Frequency	Notes
[redacted] Edwards	42	17	1973 - 1989	Pleasure	Weekly	
[redacted] Rice	44	16	1973 - 1989	Pleasure	Weekly	
[redacted] Lloyd		6	1977 - 1983	Pleasure	Weekly	
[redacted] Lloyd		6	1977 - 1983	Pleasure	Weekly	
[redacted] Lloyd		3	1980 - 1983	Pleasure	Weekly	
[redacted] Hall		3	1981 - 1984	Pleasure	Weekly	
[redacted] Hall		5	1980 - 1985	Pleasure	Weekly	
[redacted] Kirby	41	20	1966 - 1986	Pleasure	Weekly	
[redacted] Dodds	31	10	1979 - 1989	Pleasure	Weekly	
[redacted] Week	30	24	1964 - 1988	Pleasure	3 - 4 time weekly	

Name	Age	No of years used	Years of use	Purpose	Frequency	Notes
[redacted] David	57	10	1978 - 1989	Pleasure	Weekly	
[redacted] Wood	29	10	1978 - 1989	Pleasure	Weekly	
[redacted] Moran	29	5 1/2	1983 - 1989	Pleasure	Weekly	
[redacted] Haswell	25	5 1/2	1983 - 1989	Pleasure	Weekly	
[redacted] Harvey	13	4	1984 - 1989	Pleasure	Weekly	
[redacted] Fee	56	40	1944 - 1984	Pleasure + visiting relative	Daily	Pedestrian
[redacted] Dorney	63	60	1923 - 1983	Pleasure + visiting family	?	Pedestrian and cycle



Document I: Map extracted from Rainton Meadows Management Plan depicting the path network

Application Route

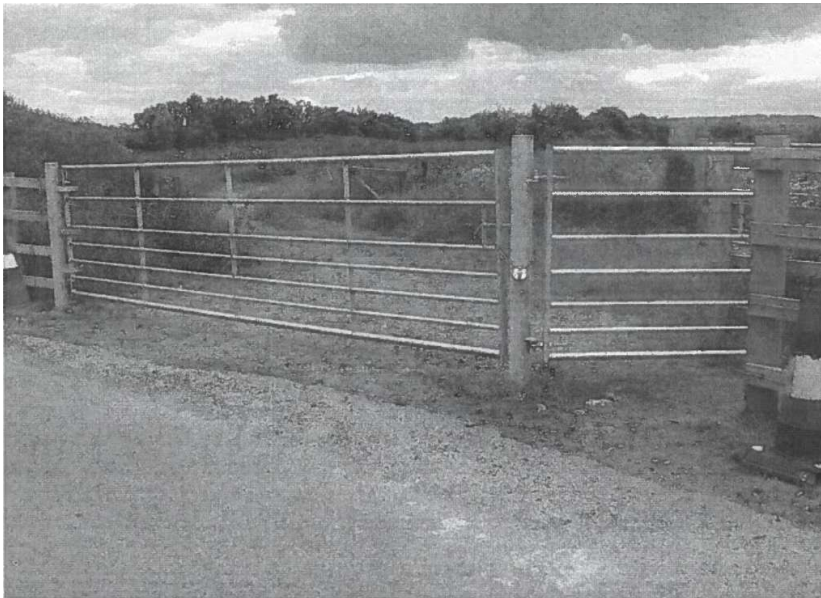


MAP 8 - ACCESS AND HIDES

- Footpaths
- Birdways
- > 2 Tier stone bird hide
- ③ Screen hides (fireproof timber)
- ④ Screen hide with bunding

**RAINTON MEADOWS / JOE'S POND AREA
MANAGEMENT PLAN**

Document J: File note from Footpath 21 path folder 2008, image of newly installed Gate, and Kissing Gate. Horse stile is out of shot the left of the image.



File note - June '08
New access arrangements commenced
early '08.
New field gates, timber/metal kissing
gate & relocation of existing horse
stile.

W. R. R. D.



Document K: View showing entrance to route and Horse Stile (step over).



Appendix 3

Consultation Letter and Responses

Contact: Dagmar Richardson/ Josephine Upchurch
Direct Tel: 03000 265 340 / 265 341
email: Josephine.upchurch@durham.gov.uk
Dagmar.richardson@durham.gov.uk

Our ref: REAL/ST/AROW/DR/4/18/063

This is the letter sent to all those consulted

Consultation – Wildlife and Countryside Act 1981 Proposed Amendment to the Definitive Map of Public Rights of Way Marks Lane to Meadows Lane (Ref:24/04/2018)

An application was submitted by Mrs B. Kilani to the County Council 24/04/2018 for a Definitive Map Modification Order to upgrade Footpath 21 West Rainton as a Bridleway (please see attached plan). There is sufficient evidence that suggest the order would likely be approved. To clarify, a Bridleway is open to pedestrians, horses and pedal cyclists.

I am currently seeking the views of local councillors, the Parish Council, relevant landowners and user organisations (BHS and Ramblers Association etc) and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A report will be composed that will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation.

It is likely that the Highways Committee will not review the claim mentioned above until April 2024. However, it would be appreciated that you submit your views, objection or additional evidence within 30 days of receipt of this email.

Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Highways Committee.

If you have any queries or wish to discuss the matter, please contact me or my colleague Josephine Upchurch.

Your sincerely

Dagmar Richardson

**Definitive Map Officer
Public Rights of Way**

Neighbourhoods and Climate Change
Durham County Council, St Johns Road
Meadowfield Industrial Estate
Meadowfield
Durham DH7
Main Telephone 03000 260000

From: [REDACTED]
Sent: 27 February 2024 17:06
To: Dagmar Richardson
Subject: [EXTERNAL]:Re: Consultation Definitive Map Modification
Application to upgrade footpath 21 West Rainton to a Bridleway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Dagmar

On behalf of the British Horse Society, this route would be a very useful addition to the definitive map as a Bridleway.

I understand it has been used as such for many years by local horse riders, walkers and cyclists. The horse stile is still in place at the beginning of the route where it leaves Mark's Lane.

Regards

From: Dagmar Richardson <dagmar.richardson@durham.gov.uk>
Sent: 19 February 2024 14:44
To: [REDACTED]
Subject: Consultation Definitive Map Modification Application to upgrade footpath 21 West Rainton to a Bridleway

Dear [REDACTED]

I am contacting you as part of the consultation process regarding an application to upgrade Public Footpath 21 West Rainton to a Bridleway please see the attached letter.

Kind Regards

Dagmar Richardson

Definitive Map Officer

Access & Rights of Way Team

Neighbourhoods and Climate Change

Durham County Council

St Johns Road

Meadowfield Industrial Estate

Meadowfield

Durham DH7 8XQ03000 265340 / Mobile 07768 107032

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From: [REDACTED]
Sent: 22 February 2024 12:16
To: Dagmar Richardson
Subject: [EXTERNAL]:Re: Consultation Definitive Map Modification Application to upgrade Footpath 21 West Rainton to a Bridleway

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Dagmar

Thank you for consulting me on this proposal.

I am not familiar with the location. However, I would expect that this footpath shown on the map to link with other bridleways and the minor road network, would also have been used as a bridleway in the past, and probably still is so used. I would therefore support the upgrade of Footpath 21 to a bridleway.

Best wishes

[REDACTED]
Open Spaces Society

From: Dagmar Richardson
Sent: Monday, February 19, 2024 2:56 PM
To: [REDACTED]
Subject: Consultation Definitive Map Modification Application to upgrade Footpath 21 West Rainton to a Bridleway

Dear [REDACTED]
I am contacting you as part of the consultation process regarding an application to upgrade Public Footpath 21 West Rainton to a Bridleway please see the attached letter.

Kind Regards

Dagmar Richardson

Definitive Map Officer

Access & Rights of Way Team
Neighbourhoods and Climate Change
Durham County Council
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From: Cllr David Hall
Sent: 19 February 2024 14:46
To: Dagmar Richardson
Subject: Automatic reply: Consultation Definitive Map Modification
Application to upgrade footpath 21 West Rainton to a Bridleway

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your message. I am on leave and so I may not be checking or answering emails as regularly at present.

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