



## Highways Committee

**Date** Friday 22 June 2012  
**Time** 10.00 am  
**Venue** Committee Room 2 - County Hall, Durham

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### Business

#### Part A

1. Minutes of the Meeting held on 10 May 2012 (Pages 1 - 4)
2. Declarations of Interest, if any
3. Hardwick Park - Proposed Parking Charges - Off-Street Parking Places Order 2012 - Report of Corporate Director, Neighbourhood Services (Pages 5 - 12)
4. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

#### Colette Longbottom

Head of Legal and Democratic Services

County Hall  
Durham  
14 June 2012

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

Councillor G Bleasdale (Chair)  
Councillor J Robinson (Vice-Chair)

Councillors B Arthur, A Bainbridge, D Burn, N Foster, D Hancock,  
S Hugill, D Marshall, J Maslin, A Naylor, J Shiell, P Stradling,  
T Taylor, L Thomson, R Todd, E Tomlinson, J Turnbull, C Woods,  
A Wright and R Young

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Thursday 10 May 2012 at 10.00 am**

**Present:**

**Councillor G Bleasdale (Chair)**

**Members of the Committee:**

Councillors J Robinson (Vice-Chair), A Bainbridge, N Foster, D Hancock, S Hugill, D Marshall, J Maslin, A Naylor, J Shiell, P Stradling, R Todd, E Tomlinson, J Turnbull and A Wright.

**Apologies:**

Apologies for absence were received from Councillors B Arthur, D Burn, T Taylor, L Thomson, C Woods and R Young.

**Also Present:**

Councillor J Blakey and A Cox.

**1 Minutes of the meeting held on 19 April 2012**

The minutes of the meeting held on 19 April 2012 were confirmed as a correct record and signed by the Chairman.

**2 Declarations of interest**

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

**3 Definitive Map Modification Order Application to delete part of Cassop cum Quarrington Footpath no 29**

The Committee considered a joint of the Head of Legal and Democratic Services and Corporate Director, Regeneration and Economic Development regarding an application to delete part of Cassop cum Quarrington, public footpath number 29 from the definitive map and statement. The application had been submitted in April 2011 by the owners of Quarrington Farm, Mssrs Johnson, who had farmed the land since 1982. The application had been accompanied with supporting evidence including correspondence between the County Council and the applicants, Country Land and Business Association, ordnance survey plans from 1857 to 2002, aerial photography from 1944, witness statements and a commentary about a survey carried out prior to the publication of County Durham first Definitive Map and Statement in 1952 (for copy see file of Minutes).

The Senior Rights of Way Officer outlined the location and layout of the footpath, explaining that the footpath was located in land belonging to two different owners. The desirability of the footpath and the argument as to whether people wanted the footpath or

not, were immaterial to the application and a specific legal framework had to be followed along with other relevant factors which had to be taken into account.

The Planning and Development Solicitor outlined the legal framework for the application which was considered under section 53 of the Wildlife and Countryside Act 1981. The act imposed a duty on the council to keep maps under continual review. The application presented to the Committee could only be determined on the application and evidence submitted.

The Senior Rights of Way Officer summarised the details of the application and informed the Committee of the background to the application and summarised evidence outlined in Appendices B to E of the report which contained copies of the application, a copy of an order to divert the footpath in 1912 to enable expansion of Bowburn brickworks, 1952 survey sheets and a map prior to the publication of the 1952 definitive map and statement, the 1979 definitive map and statement, applicants submission and responses to the consultation.

The Committee were informed that the County Council produced its first definitive map in 1952 and undertook a process of consultation exercises at the time, which included a survey carried out with the parish council of the paths considered to be public rights of way. There had been no records of any objections to the depiction of footpath 29 at that time. The definitive map was carried forward in subsequent five-yearly reviews in 1957, 1962 and 1967 and footpath 29 had been consistently shown on all of the maps.

Legislation changes in 1968 and a further review of the definitive map was undertaken in 1979, which again showed the footpath still in existence. The Committee noted that there appeared to be a slight realignment of the footpath, which had been done for no apparent reason and were informed that this could have simply been an administrative error made at the time. The path continued to cross the same two fields. The map was reviewed again in 2010 and the footpath remained in the same place as the 1979 review. The Committee also noted that in 2000 the County Council attempted to modify the aforementioned administrative error by way of an order and re-align the footpath for which there were objections at the time, which the applicants for this deletion did not agree, their view being based around the premise that there was another route, used by the public (referred to as the railway cutting route). This process never came to fruition due to the serious foot and mouth outbreak that occurred during this time and other priorities taking precedence. The Committee were also informed that the current application for consideration was not an application to realign the footpath to its pre-1979 location but an application to delete or extinguish the footpath altogether. The issue of the railway cutting route was an entirely separate matter.

Consultations had also been carried out with other stakeholders in the area including Redscape Limited, the Ramblers Association and local members who had all objected to the application to delete the path whilst the Parish Council had stated that it is unable to make a judgement on the issue. The Committee were informed of the main elements of the applicants case which included:

- lack of use since 1982
- use of another route
- taking land out of agricultural production

- errors due to 1952 survey drawn onto 1923 map
- the lack of a footpath on ordnance survey maps
- lack of a visible footpath on 1944 aerial photo
- witness statements indicating a lack of use of a footpath
- further errors due to 1952 survey drawn onto 1923 map

In each case the Senior Rights of Way officer provided a response to each point and informed the Committee that on balance, it was considered that in 1952 Cassop cum Quarrington footpath 29 already existed and was correctly depicted on the definitive map statement. The fact that an order to divert the path in 1912 indicated the existence of the footpath and the aforementioned 1952 survey provided strong evidence that the path's inclusion as a public footpath was 'unrestricted use for 20 years'.

Counsel for Messrs Johnson provided representations on behalf of Messrs Johnson, summarised the evidence to suggest that footpath 29 had been erroneously placed on the definitive map statement in 1952 as follows:-

- consideration of the deletion of footpath 29 would deprive local people of enjoying walks in the countryside given the scant evidence that the route shown on the definitive map was used by the public now or ever and that if people did use the path it was the route that followed the railway cutting (a copy of which was circulated to the Committee), with evidence to support that view;
- the committee should ask themselves if there was any evidence of no public right of way over footpath 29 and whether they were satisfied that the footpath should not have been recorded on the definitive map on its first publication in 1952;
- the evidence provided as a whole supported the Johnson's case that the footpath should not have been marked on the definitive map in 1952 and suggested that the report was "dismissive of witness evidence carefully compiled in support of the application";
- there was sufficient evidence to overturn any conclusion that the footpath was used for the whole of the 20 year period from 1932-1952;
- the witness statements provided sufficient evidence to suggest that records preceding the 1952 definitive map statement when the survey concluded that there was 'unrestricted use of 20 years' were incorrect, and that an aerial photo from 1944 showed no sign of any visible path and if the field had been used by members of the public for a significant time prior to 1952 it was reasonable to conclude that there would have been some physical evidence on the ground;
- The 1939 and 1952 maps did not show any footpath crossing the Johnsons field.

In summing up, Mr Easton commented that the report rejected the applicants' evidence incorrectly as well as relying upon an order made in 1912. No evidence to support the inclusion, based on an inaccurate survey and the reason for its inclusion was not the 1912 Order but a finding that the route had been used for 20 years and that the reasons outlined would be sufficient to allow the Committee to allow the application and delete part of footpath 29.

Councillor Foster thanked the Council and Mssrs Johnson for the representations regarding the issue and commented that the 1912 diversion order was good evidence to suggest that the path existed at that time and duly supported the recommendation detailed in the report.

Councillor Shiell echoed the comments by Councillor Foster and supported the recommendations detailed in the report adding that the 1912 diversion existed in law in 1952 and there was no doubt that the evidence to counter argue from witnesses used and ordnance survey maps could not always be relied upon.

Councillor Hugill commented that from his experiences in farming, footpaths that abutted or existed over farmed land could be hugely problematic, particularly when litter was dropped and it was perhaps obvious that the railway cutting should be used as the footpath and whilst he accepted that this was a separate issue, this matter should be looked at in due course. Councillor Bainbridge also supported Councillor Hugill's view.

Councillor Todd felt that there was no substantial evidence to suggest that the Council were inaccurate in their assessment.

**Resolved:**

That after due consideration of the evidence and following the representations made provided to the Committee that the application to delete part of Cassop cum Quarrington Footpath 29 be refused.

**Highways Committee**

**22 June 2012**

**Hardwick Park  
Proposed Parking Charges  
Off-Street Parking Places Order 2012**



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**Report of Terry Collins, Corporate Director Neighbourhood Services**

**Councillor Maria Plews, Cabinet Portfolio Holder for Leisure, Libraries and Lifelong Learning**

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**Purpose of the Report**

- 1 To advise Committee of representations received to the proposed introduction of parking charges at Hardwick Park, Sedgefield.
- 2 It is recommended that the Committee endorse the proposal having considered the representations to the proposal.

**Background**

- 3 Charging for the parking of vehicles at Hardwick Park was agreed in 2008 as part of the Park's historical restoration by the former County Council and supported by Heritage Lottery. However, following Local Government Reorganisation, the new Authority determined it was not appropriate to charge at that time and additional funding for the Park's management was made available enabling the implementation of a parking charge to be deferred.
- 4 With the considerable budgetary pressures significantly affecting the Park's management in particular, charging for parking at Hardwick Park has been identified as a substantial income generator to specifically provide funds for the Park's management. All opportunities for income generation to contribute to savings required by the MTFP have been revisited and charging for parking at Hardwick has been identified to meet Sport and Leisure's required savings that directly affect the Park.
- 5 Benchmarking with similar venues has ascertained Hardwick Park is, nationally, one of an increasingly small number of sites of similar type and size (over 447,000 visitors in 2011) that does not currently charge for parking. Over the past year, many Authorities have implemented parking charges on many of their countryside sites as a result of recent budgetary cuts.

## Proposal

- 6 The proposed parking structure is as follows
- i. Cars, minibuses (up to seven passenger seats) up to two hours - £2.00
  - ii. Cars, minibuses (up to seven passenger seats) any period over two hours - £3.00
  - iii. For frequent visitors, an annual pass is proposed at £75 (equivalent to 21p / day or £1.44 / week). As an 'introductory offer', this will be discounted in the first three months of operation (1 July – 30 September 2012) to £52 which equates to (14p / day or £1.00 / week).
  - iv. There will be no reduction for Blue Badge holders and specific measures will be taken to allow disabled persons to make convenient payment.
  - v. Minibuses (eight or more passenger seats) and coaches – flat £9.00 charge for any period. However, regular Special Educational Needs groups will be able to purchase an annual pass. (£52 introductory offer and £75 thereafter)
  - vi. It is not proposed to charge for pre-booked school visit transport. A 'Free Pass' system will be developed for appropriate use.
- 7 Although the fee structure has been determined with regard to attaining the required MTFP saving and associated cost implications, it is the intention to review the first (and subsequent) season's operation to ensure the parking fee structure is appropriate to ensuring the Park continues as a successful venue.

## Consultation

- 8 Informal consultation was carried out in February 2012 with Sedgefield Town Council, Friends of Hardwick, Hardwick Hall Hotel and community groups who are regular users of the Park. The result of this consultation was an indication that all appreciated why the County Council needed to generate income for the Park's management. The consultation suggested a fee structure and comments received suggested a number of alternative models with that suggested by the Friends of Hardwick being adopted as indicated above.
- 9 A statutory advertisement and notification of the proposal was undertaken from 27<sup>th</sup> April 2012 until the 18<sup>th</sup> May 2012. During this period, 98 emails and letters of representation were received. Of the 98 responses, 19 are confirmed objections and one is wholly in support of the proposal.
- 10 The local Members, County Councillors John Robinson and David Brown, are aware of the proposal and have not raised any objection.



## Representation and responses

- 11 Representations received in response to the publication of the Order in the Press and Official Notices on site are summarised as follows:

### **Parks should be free**

*Response: The Authority would very much wish to provide all its parks, countryside facilities and related services free of charge. However, the substantial savings required over the next four years as a result of the reduction in government funding has meant the Authority is required to make significant reductions in many budgets. To maintain necessary levels of management to meet contractual obligations and health and safety at Hardwick Park requires significant additional funding.*

### **I have already paid for the Park in my Council tax, why should I be asked to pay again?**

*Response: With the pressures caused by the reduction in Government funding, it is not possible for the Authority to continue to fund all services to the degree it would wish. If charging for parking does not go ahead at Hardwick, this may mean an increase in Council Tax.*

### **Cuts should be made where there is no detriment to public health. The County Council should not be putting obstructions in place that will discourage visitors to the park or prevent people from taking the opportunity to reduce stress, enjoy the benefits of healthy exercise and help to reduce obesity**

*Response: The Authority continues to develop and support a very wide range of programmes and activities Countywide that positively contribute to the health agenda. Hardwick Park is just one of 70 sites managed by the Countryside Service, the remainder being freely available for informal countryside recreation including the 120km railway path network.*

### **As resident of Sedgefield, this local amenity should be free and residents should have a free pass or a concession. The people of Sedgefield didn't ask for the park to be improved so why should we pay for the cost of running the improvements?**

*Response: Although undeniably in close proximity to Sedgefield and enjoyed by many residents, Hardwick Park is recognised as a County and regional resource with a landscape of national significance that has benefited significantly from English Heritage and Heritage Lottery funding as a consequence. This is evidenced by a quadrupling in visitor numbers following restoration. The Park has been funded and managed by the County Council as a venue important to the County as a whole for almost 40 years. To attempt to define 'local' is impractical and to offer local residents any financial discount would be inappropriate in terms of the populace of the County and region as a whole. All visitors may apply for the annual pass as described above.*

**Instead of pay and display, the County should ask for a donation in an honesty box**

*Response: The income required to meet the MTFP saving that has already been applied and fund the management of Hardwick Park is a very significant sum. Experience with honesty boxes suggest that sums collected by such means are in no way sufficient to fund the management of the Park*

**Having paid for a memorial seat in the Park, I am now being asked to pay to visit. Crematoria and churches are free, why should memorials at Hardwick Park be different?**

*Response: Unfortunately, at the time most memorial seats were installed, we were not aware of the need to charge for parking. The charge will be brought to the attention of anyone enquiring about a memorial seat in the future. Hardwick is not provided or promoted specifically as a 'memorial park' and the objectives of the site and reasons people visit are very different.*

**It would be preferable to charge more in the café and for participation in events and lower the proposed charges**

*Response: Charges for events and items in the café are already set at market rates and increasing either will have the affect of making each less attractive and result in an overall reduction in income. Every effort will be made to develop a wider event programme in the future. However, the MTFP saving has already been applied to the Park's budget and funding to support larger events is not currently available.*

**People won't want to pay to Park and then pay to attend an event**

*Response: Event charges will be managed to include the parking fee*

**Annual permit fee is greater than membership of National Trust or English Heritage**

*Response: These organisations have numerous other sources of support and funding. Hardwick Park will be relying almost completely on car park revenue for its annual management. It should be noted that the charge made for non-members in National Trust car parks is significantly greater than the fees proposed at Hardwick Park.*

**Blue Badge parking should be free**

*Response: It is not the Authority's practice to offer free parking to Blue Badge holders. Social Care minibuses will be eligible to apply for the reduced cost annual permit.*

**Concern that the income generated at charity events will be affected**

*Response: It is possible that charity events may receive less support. However, charities use the Park because of its safe and attractive environment – the very aspects the parking charge is required to fund.*

**Concern that people who volunteer to marshal the weekly Parkruns and similar groups will not help if they have to pay a parking charge**

*Response: It has been agreed with the Parkrun organisers they will be given free passes for marshals to ensure the activity continues and this feature will be offered to similar organisations.*

**I attend the NHS Cycling Group that operates from Hardwick Park. This is a scheme that encourages people to take up cycling for the many health benefits. I will not be able to attend if the parking charge is imposed.**

*Response: The NHS cycling trial has been very successful and it has been agreed that an annual licence fee be paid by the NHS for storage and security provided by the Park. This will enable parking for all participants to be offered at no cost.*

**Vehicles will park on the verge of the A177 and on streets in Sedgefield and people walking from Sedgefield will have to cross the A177**

*Response: There is a potential for a small number of visitors to park on the highway verge on the A177. The situation will be monitored and should this cause highway safety issues, with Police advice, consideration will be given to additional restrictions to ensure road safety. Any vehicle causing an obstruction in the highway will be dealt with accordingly by the Police. Should visitors choose to park within Sedgefield itself additional visitors to the village may benefit the local economy and all will enjoy the benefits of the walk across the beautiful East Park. A safe crossing of the A177 is available by a signed and convenient underpass that is accessed via a mown and fenced corridor around the periphery of East Park. It is also proposed to improve the surface of this corridor with Section 106 funding related to an adjacent development.*

**Many people will cease to visit Hardwick Park and café revenue will suffer**

*Response: It is possible that the café's income may be reduced although current demand often outstrips the café's capacity. Should this be the case, a business decision will be made on how to increase trade.*

**The Park does not offer any special attraction to warrant paying to visit**

*Response: The Park attracted 447,000 visitors in 2011 and the parking charge is required to ensure the features that currently attract visitors continue to be provided, safe and well maintained.*

**How will the parking charge be enforced and won't this be a cost?**

*Response: Parking will be enforced by the Council's parking contractor and their costs funded by the charge*

**Fees are too high and restrictive – various suggestions of 50p and £1.00 / day, £2.00 per half day and a lower or no charge to let people visit for short period without cost**

*Response: The current charging structure has been benchmarked against similar venues across the country and is considered to be slightly lower than the average. The income generated from the charge is anticipated to be sufficient to meet the required MTFP saving and cover the inherent costs of enforcement, NNDR and VAT. It is not anticipated that the income generated will make any element of additional income for the Park.*

12 Representation 2 – On line petition

**The petition requested the Council to abandon plans to introduce parking fees at Hardwick Park as the proposed charges will discourage visitors both adults and children alike. It is an amenity that provides a unique experience and should be free to all.**

*Response: The petition was signed by two individuals and mirrors other representations considered above.*

**Recommendations and reasons**

13 It is **RECOMMENDED** that

- I. Having considered the objections, the Committee endorse the proposal of the Corporate Director of Neighbourhood Services to make the Traffic Regulation Order to introduce parking charges to support MTFP requirements and avoid severe cuts to services, as detailed in the report, with charging to commence on 1 July 2012.

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**Contact: [Stephen Howell] Tel: 0191 3729178**

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**Finance – Requirement to cover MTFP saving of £160,000 and associated costs of VAT, NNDR and enforcement.**

**Staffing – None**

**Risk – Severe cut in services if not implemented**

**Equality and Diversity / Public Sector Equality Duty – None**

**Accommodation – None**

**Crime and Disorder – None**

**Human Rights – None**

**Consultation – As described in the report**

**Procurement – Enforcement will be undertaken by Authority’s contractor**

**Disability Issues – None**

**Legal Implications - None**

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