

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Committee Room 2 - County Hall, Durham on **Monday 3 September 2012 at 10.00 am**

Present:

Councillor G Bleasdale in the Chair

Members of the Committee:

Councillors J Robinson (Vice-Chair), B Arthur, A Bainbridge, D Burn, N Foster, S Hugill, D Marshall, A Naylor, J Shiell, P Stradling, T Taylor, L Thomson, R Todd, E Tomlinson, C Woods, A Wright and R Young.

Apologies:

Apologies for absence were received from Councillors D Hancock, J Maslin and J Turnbull.

Also Present:

Councillors J Blakey and O Temple.

1 Minutes

The minutes of the meetings held on 22 June and 12 July were confirmed as a correct record and signed by the Chairman.

2 Declarations of interest, if any

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

3 Application for Village Green Registration - Belle Vue, Consett

The Committee considered a report of the Head of Legal and Democratic Services regarding an ongoing application for village green registration for land at Belle Vue, Consett (for copy see file of Minutes).

The Planning and Development Solicitor informed the Committee of the history to the application which had been submitted to the County Council in 2009. The Council objected to the application at the time and the necessary steps were taken to appoint an inspector and hold a public inquiry, which took place in July 2010.

Following the completion of the public inquiry a report was produced by the inspector which recommended that the application be refused, which the Highways Committee duly considered in April 2011 and resolved to refuse.

Following the decision made by the Highways Committee, a member of Consett Green Spaces Group successfully challenged the decision through the High Court who quashed

the decision on the grounds that inspectors reasoning and decision had been made on the misunderstanding effects in case law (the Beresford case) and was sufficient to render the Council's decision as being flawed. The decision by the High Court meant that the County Council (as the commons registration authority) would need to re-determine the application.

The Council had a number of options available to it in terms of the re-determination of the application which were outlined by the Planning and Development Solicitor. The Committee were informed that the most appropriate option would be to instruct the original inspector, Mr Simpson, to reconsider the application and to issue a further supplementary report setting out his conclusions in light of the findings of the High Court. The Planning and Development Solicitor added that there was no reason as to why Mr Simpson should not be asked to advise on the issue and offered the best way forward in bringing the complex legal debate over the village green application and future location of Consett Academy to a timely conclusion.

Consultation had taken place with Consett Green Spaces Group and the County Council who both indicated their support to instruct Mr Simpson to reconsider the application and to issue a further supplementary report.

Councillor Temple, one of the local members for the area and a Member of Consett Green Spaces Group commented that he completely supported the reasoning and recommendations contained in the report, having spent four days at the public inquiry at Consett where he had found the Inspector to be courteous, careful and unbiased and in his opinion, the correct person to provide advice on this occasion.

Resolved:

That the recommendation contained in the report be agreed.

4 Bus Shelter - 10 Foster Terrace, Croxdale

The Committee considered a report of the Corporate Director, Regeneration and Economic Development which proposed the erection of a bus shelter outside a property at Foster Terrace, Croxdale (for copy see file of Minutes).

The Business Manager informed the Committee that Foster Terrace was located to the south of Croxdale on the A167 which formed part of a major bus route. Requests for a bus shelter to be erected at the location, which had a bus stop but no shelter had been made by local residents through representations to their local councillor. The bus operators had confirmed that buses stopped frequently at the location, roughly about four times per hour.

Eighteen properties had been consulted on the proposed erection of a fully glazed shelter at the location. A total of five objections had been received from one resident which the proposed bus shelter would be erected partly outside of. The objections to the proposed bus shelter were summarised and a response was provided to each objection.

Councillor Woods commented that it would have been helpful if the numbers of requests made to the local member had been made available.

The Committee were informed that it was not unusual for bus shelters to be erected outside properties and there were example of this throughout the County. The bus stop itself was in a well used location and it was not unusual for people to wait in the bus shelter on the opposite side of the road to shelter from adverse weather. This often resulted in people attempting to cross the busy carriageway on sighting the bus and did raise safety issues.

Councillor Marshall commented that similar requests had been received in his Electoral Division and on balance, felt that the request was reasonable, given the well used location, the public safety element and the weather conditions experienced through the summer and winter months.

Resolved:

That the recommendation contained in the report be agreed.