



Highways Committee

Date Thursday 11 April 2013
Time 10.00 am
Venue Committee Room 2, County Hall, Durham

Business

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meetings held on 31 January, 25 February, 8 and 13 March 2013 (Pages 1 - 24)
4. Declarations of interest, if any
5. B6532 Front Street, Durham Road and Fynway, Sacriston - Report of Corporate Director, Neighbourhood Services (Pages 25 - 34)
6. 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
3 April 2013

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 Hamsterley and Low Westwood Community Association on **Thursday 31 January 2013 at 10.45 a.m.**

Present:

Councillor G Bleasdale in the Chair.

Members of the Committee:

Councillors J Robinson (Vice-Chair), B Arthur, D Burn, S Hugill, A Naylor, J Shiell, R Todd, E Tomlinson and J Turnbull

Also Present:

Councillors A Shield and W Stelling.

1 Apologies for Absence

Apologies for absence were received from Councillors A Bainbridge, D Hancock, J Maslin, P Stradling, T Taylor, L Thomson, C Woods, A Wright and R Young.

2 Substitute Members

There were no substitute members present.

3 Declarations of interest

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

4 Proposed Definitive Map Modification Order to add a footpath to the Definitive Map and Statement - Hamsterley Mill, B6310 to High Hamsterley Road

The Committee considered a joint report of the Corporate Director, Regeneration and Economic Development and Head of Legal and Democratic Services regarding a proposed modification order to add a footpath to the definitive map and statement between Hamsterley Road and the B6310 at Hamsterley Mill (for copy see file of Minutes).

The Senior Rights of Way Officer informed the Committee that the application had to be assessed against specific legal tests and the Committee would need to determine whether or not a right of way had been acquired and provided the background to the proposal which related to a path following a north south direction from the cul-de-sac of High Hamsterley Road between no's 17 and 20 to join the B6310. The path in question crossed a grassed area between the two properties before reaching nine steps with a handrail which lead upto the B6310.

The Committee were informed that in February 2012, the Councils' rights of way team had been alerted by local residents about the obstruction of the path by tree cuttings, a wooden fence and stacked up paving slabs which had been removed from the surface of the path by the landowner which led to complaints from local people who had used the path.

The proposal to record the path as a public footpath had been supported by evidence of usage with 106 users completing a user questionnaire, 11 of the path users had been interviewed and had provided formal statements which were detailed in Document B of the report.

The Senior Rights of Way Officer then summarised the evidence of usage, the documentary evidence gleaned from maps and documents which pre-dated the building of the estate and minutes from Hamsterley Mill Residents Association who had appeared to be actively interested in local footpaths in the area. Consultation had also taken place with local members, the Ramblers Association and the utilities who offered no objections to the proposals.

Objections and rebuttal of evidence had been received from the owner of the land the footpath crossed which had been summarised and were detailed in document C of the report.

The Planning and Development Solicitor referred the Committee to Document D and gave an overview of legal framework that the Committee should assess the evidence against. In particular, Section 53 of the Wildlife and Countryside Act 1981, Sections 31 and 32 of the Highways Act 1980 and the tests of 'As of Right', interruption, calling the way into question and lack of intention to decide.

The Committee heard representation from Councillors A Shield and W Stelling.

Councillor Shield informed the Committee that both himself and Councillor Stelling had tried to act as an effective mediation to resolve the dispute and disparity between the two parties. It was acknowledged that residents from Parklands used the path to access public transport from the A694. Buses from the location lead to major centres and formed part of a vital transport link to residents from the estate. Both Councillors had agreed to fund the making of a rural footpath near to the disputed footpath to aid pedestrians to the bus stop, but this had been suspended, pending the dispute that had arisen. Councillor Shield regretted the situation that had arisen but having considered the evidence from all sides, felt that there was no alternative but to support the officers recommendations contained in the report. He also considered that there would be an enormous waste of public money if any public inquiry and the due appeal process is pursued.

Councillor Stelling supported those comments made by Councillor Shield and considered that the path should form a public right of way without doubt. Both Councillors had tried desperately hard to obtain a win-win situation and hoped that this could be achieved. The path would be better served under the auspices of the County Council and the benefits that go hand in hand with that, i.e. upkeep and maintenance would be positive factors for the area

The Committee then heard representations from Mr Bowering, the Acting Chair of Hamsterley Mill Residents Association who had lived at Hamsterley Mill since 1975. The

Committee were informed that the residents association supported the modification order to add the footpath to the map of public rights of way for the following reasons:-

- usage and numbers of responses had indicated that residents of Hamsterley Mill and Parklands Estates had used the path without hindrance since the estate was established in the 1950's;
- record numbers of user evidence provided in February 2012 documented clear use of the path for over sixty years;
- deeds for many houses in the area indicated a link path detailed on ordnance survey maps as a route through Hamsterley Mill Estate;
- residents of Parklands who needed to use public transport always walked through Hamsterley Mill Estate to the A694 to catch buses to local amenities at Rowlands Gill, Consett and Shotley Bridge and to major town centres, such as Newcastle and Gateshead Metrocentre;
- elderly residents used the path to access the only post box in the area;
- local schoolchildren used the path to catch the bus to school;
- there had been conflicting evidence provided in that no residents of the residents association recalled any obstructions on the path or it being closed upto February 2012 for any length of time, nor had anyone been challenged;
- minutes of the residents association meetings made reference to a handrail being replaced in 1993 with one resident recalling that the steps with two handrails either side of the path in 1972 and another recalling the steps and handrail being exactly the same today as they were in 1976 which disputed any suggestion that the handrail had been installed somewhere between 1998-2000;

In summing up the residents association representations, the Acting Chair informed the Committee that the path was highly valued by the residents and maintained that it had been in use for over sixty years. The closure of the footpath on 11 February 2012 only served to highlight how much the path was valued and used.

The Committee then heard representations from Ms Garrington who commented that the recommendation by the County Council was flawed and highlighted the following issues:

- requests for all weather footpaths and two other paths had been turned down;
- In 1992 the land was cleared, as it was very wild and overgrown with bushes. She erected fencing along the boundary of the property, later to be informed by an enforcement officer that she would have to remove the fence from that position because of the footpath and therefore moved it back. The fence was in place for 3-4 days – this was confirmed by the builder at the time;

- between 1998 and 2000 the residents association arranged for the laying of concrete slabs, the widening/opening of the steps and installation of a handrail without her consideration therefore the residents association had created a civil wrong and trespass;
- in 1994 the residents association documented at their Annual General Meeting that a request to turn down to repair the handrail, however, the residents association already knew that the way wasn't an adopted highway and bypassed the law as a result;
- work had been carried out without legal authority or legal advice and the residents association did not check with the land registry in order to ascertain who owned the land;
- the status of the path had been incorrectly classified by the County Council, given that in 1992 an enforcement officer of the Council commented that it was a public footpath which it was not and the landowner did not have the opportunity to object to that action;
- the evidence relating to the obstruction of the footpath in 1992 appears to conflict with user evidence

In summing up, Ms Garrington requested that the Committee carefully consider the need requirement for the way to have been used by the public at large and as she did not feel that this had been demonstrated, the path did not constitute a public right of way.

The Planning and Development Solicitor referred to the 'secrecy' issue and advised the Committee that under Section 31 of the Act, the test of 'as of right' covered the issue of secrecy. It was not therefore necessary for the estate owner to be notified by the users, and instead the use by members of the public must be sufficient to bring it to the attention of a prudent landowner that rights were being asserted. It was not necessary for a landowner to be notified and lack of such notification did not amount to a 'secret use'.

Referring to the installation of the path, it was considered likely that planning permission would have to have been sought, however, it was unclear as to whether it had been at that time. However, the issue was not an inquiry into the planning status of the route. Instead, the issue for the Committee was to ensure that they were satisfied that the right of way is reasonably alleged to exist.

It was considered that the usage evidence from 1972-1992 did detail use by the public at large and not simply that of a defined group such as residents but this issue was really a matter for legal debate. It was felt that the user group was sufficiently wide enough but conceded that the issue would only be provided with a definitive answer after a public inquiry.

The Senior Rights of Way Officer referred Members to the usage of the path and that the issues about how, why and the paving slabs were slight detractions from the decision and as a Rights of Way Officer Hamsterley Mill Residents Association had asked the former Derwentside District Council to undertake works to the path, however, the County Council was in fact the Highways Authority. People can request that the County Council carry out

works on a right of way, and it would always be looked at, but cost can sometimes be a prohibiting factor.

Councillor Naylor felt that adding the path to the definitive map and statement would enhance the area and it provided a vital route to access facilities. She concluded that she could not see any issue relating to the evidence presented at the meeting.

Councillor Todd explained that considerable amounts of evidence had been provided to indicate that the land in question had been used for the relevant period of time and that use had been evidenced sufficiently to enable it to be classified as a public right of way. He moved the Officer's recommendation.

Councillor Shiell agreed with the observations made by Councillors Naylor and Todd and felt that the necessary use had been demonstrated in accordance with the relevant legislation and also felt that the other issues raised relating to what the Residents Association did nor did not do were not relevant to the decision to be made and seconded Cllr Todd's motion.

Resolved

That the recommendation contained in the report be agreed.

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DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Monday 25 February 2013 at 10.00 am**

Present:

Councillor G Bleasdale in the Chair.

Members of the Committee:

Councillors B Arthur, J Armstrong, A Bainbridge, J Blakey, M Dixon, S Hugill, A Laing, A Naylor, J Shiell, P Stradling, L Thomson, R Todd, E Tomlinson, J Turnbull, C Woods and R Young.

Also Present:

Councillors M Williams and C Vasey.

1 Apologies for Absence

Apologies for absence were received from Councillors D Burn, N Foster, D Hancock, D Marshall, J Maslin, J Robinson, T Taylor and A Wright.

2 Substitute Members

Councillor J Armstrong substituting for Councillor N Foster, Councillor J Blakey substituting for Councillor A Wright, Councillor M Dixon substituting for Councillor J Robinson and Councillor A Laing substituting for Councillor D Marshall.

3 Declarations of interest

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

4 Application for Village Green Registration - Belle Vue, Consett

The Committee considered a report of the Head of Legal and Democratic Services which provided details in relation to an application received in 2009 on behalf of the Consett Green Spaces Group to register land known as Belle Vue, Consett as a Town or Village Green under the Commons Act 2006 (for copy see file of Minutes).

The Planning and Development Solicitor advised the Committee that further representations had been received since the publication of the Committee report, which the Inspector had been given an opportunity to consider. A second addendum to the Inspector's third report had been produced and circulated to the Committee in an addendum to the Committee report.

Councillor Woods requested a short adjournment to allow those Members who had not had the opportunity to read the addendum to the Committee report and the Chair granted an adjournment of 15 minutes.

Upon reconvening at 10.20 am, Members confirmed to the Planning and Development Solicitor that they had all read the addendum to the Committee report and had understood the contents.

The Committee received a presentation from the Planning and Development Solicitor which provided a brief summary of the application and the long and complex history (see paragraphs 2 -19 of the Committee report).

The Planning and Development Solicitor referred Members to section 15(2) of the Commons Act 2006 which contained the legal test which must be satisfied in order for the land to be registered as a town or village green.

The Planning and Development Solicitor advised the Committee that the legal test was paraphrased in paragraph 27 of the report to Committee. Members of the Committee were referred to section 15(2) of the Commons Act 2006 which stated that:

“This subsection applies where:

- a) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and*
- b) They continue to do so at the time of the application.*

The Committee were advised that in order for the application to succeed it must be established that each element of the legal test contained in section 15(2) of the Commons Act 2006 had been satisfied.

The Planning and Development Solicitor explained each element of the legal test contained in section 15(2) of the Commons Act 2006 to the Committee. In particular, members were advised that there was a minor error in paragraph 29 of the Committee report – the word “sufficient” should be replaced with the word “necessary”.

The Planning and Development Solicitor advised that paragraph 30 of the Committee report should be disregarded and advised members as follows:

- A “locality” must be an administrative division of the country or an area within legally defined boundaries (such as a borough, parish or manor).
- A “neighbourhood” need not have legally defined boundaries but must have coherence and be capable of description in some way (such as a housing estate). A neighbourhood must be situated within one or more localities. There is no requirement that the users of the application land must come predominantly from the claimed locality or neighbourhood.

All but one of the elements of the legal test contained in section 15(2) of the Commons Act 2006 was conceded by the Landowner. The main point of contention which was referred to in the Inspectors report, was whether the land had been used 'by right' as opposed to 'as of right'.

The Inspector had concluded that there was powerful support for the inference that;

- the land acquired pursuant to the 1936 Conveyance, was, as a whole, held pursuant to section 164 of the Public Health Act 1875 since its acquisition in 1936,
- the use of the land had therefore been 'by right' as opposed to 'as of right',
- the evidence with the application would not support the registration of those areas of the land not acquired pursuant to the 1936 Conveyance, as on the evidence, there had not been sufficient qualifying use of that area of land, and,
- the Applicant had therefore failed to strictly prove the elements of the test set out in Section 15 of the Commons Act 2006.

Councillor Temple, local member, noted that there were a number of substitute members on the Committee and asked whether each of the substitute members had received the necessary training on town and village greens. This was confirmed by the Chairman of the Committee.

Councillor Temple was concerned that the Highways Committee had received, and been expected to read and understand the additional information circulated in such a short time period. He referred to the meeting held on 11 April 2011, where Members had placed trust in the Inspector's findings and resolved to refuse the application and now following a High Court Judges ruling, found that their trust had been misplaced. Due to an error of law, the application was before the Committee again with new evidence provided by the Consett Green Spaces Group. It proved that the land was purchased and held for statutory purposes and not exclusively for the purpose of public walks and pleasure grounds. The documents provided were from the time that the land was purchased and confirmed that it was for building of roads, allotments and housing development. He reiterated that the Committee had placed a degree of trust in the recommendations of the last report and the High Court Judge had ruled that the decision was unlawful. Finally, the evidence the land was used 'as of right' had been proven by the applicant and therefore the Committee should approve the application.

A representative on behalf of Durham County Council, as the Landowner, confirmed that the County Council was satisfied that the application did not meet the statutory requirements to be registered as town or village green and was in agreement with the recommendations at appendix 8. For the application to be approved, all parts of the test applied at Section 15 of the Commons Act 2006 needed to have to be proven by the Applicant. In this case, an independent Inspector had found, following a Public Inquiry, and then further evidence provided that the application had failed to meet all elements of the test that was required. The land had been held pursuant to section 164 of the Public Health Act 1875 since its purchase in 1936 by the Local Authority, for the purpose of public walks and pleasure grounds, and therefore used by right. The Applicant had failed to meet all requirements of the test as the land had not been used 'as of right'.

Councillor Woods queried the use of the land under section 164 of the Public Health Act 1875 and if the Council had to maintain it for the purpose of public walks and pleasure grounds. The Planning and Development Solicitor confirmed that there was a procedure for the Council to change the land from one use to another.

Councillor A Bainbridge was concerned that the evidence was being interpreted differently by professional people as there should have been no argument regarding the conclusion. He was also concerned that people in Consett had been using the land for over 70 years, yet it was not protected as public walks and pleasure grounds.

Councillor Woods referred to the lengthy and costly process, the substantial paperwork which had been provided, and the previous decision to refuse the application which had resulted in a Judicial Review. The outcome of the judicial review was important as a High Court Judge had disagreed with the conclusion of the Inspector and the recommendations which had been put forward at the last meeting.

In relation to questions from Councillors Hugill and Wood about the suitability of the land for the construction of buildings, the Planning and Development Solicitor reminded members that the issues of cost and expense and potential future uses of the site did not apply when making the decision – it was to be based on whether, on the evidence presented to the Committee, the application met the legal test at section 15(2) of the Commons Act 2006.

Councillor Shiell referred to the legal test in terms of registering the land as town or village green and remained convinced that it had not been met based on the evidence provided and the land had been used 'by right', therefore he moved the recommendation confirmed in the report to refuse the application.

Councillor Armstrong seconded the proposal based on the evidence presented in the report.

On a vote being taken it was,

Resolved

That the application to register land known as Belle Vue, Consett, be refused for the reasons outlined in paragraph 60 of the report.

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Friday 8 March 2013 at 10.00 am**

Present:

Councillor G Bleasdale in the Chair.

Members of the Committee:

Councillors B Arthur, A Bainbridge, N Foster, D Hancock, S Hugill, A Naylor, L Thomson, R Todd, E Tomlinson, J Turnbull, M Wilkes, A Wright and R Young.

Also Present:

Councillors N Martin and J Wilkinson.

1 Apologies for Absence

Apologies for absence were received from Councillors J Robinson, D Burn, D Marshall, J Maslin, J Shiell, P Stradling, T Taylor and C Woods.

2 Substitute Members

Councillor Wilkes substituting for Councillor C Woods.

3 Minutes

The minutes of the meeting held on 17 January 2013 were confirmed as a correct record and signed by the Chairman.

4 Declarations of interest

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

5 Change to Order of Business

The Chairman informed the Committee that there would be a change to the order of business and the Committee would consider Item 9 as the first item of business and the revert to the order detailed on the agenda.

6 The County Council Of Durham, (Tudhoe) (Prohibition Of Stopping and Waiting) (Amendment No. 1) Order 2012

The Committee considered a report of the Corporate Director, Regeneration and Economic Development regarding the proposed introduction of a road traffic regulation order at Meadowfield Avenue, located on Green Lane Industrial Estate, Spennymoor (for copy see file of Minutes).

The road was used for for access to the premises of Black and Decker, Boots distribution centre, Thorn Lighting and other companies and was utilised by heavy goods vehicles. One objection to the proposal had been received from a gentleman who operated a burger van business from the location. The Committee were informed that the business was operating from the location without permission, as the land was owned by the County Council. A new link road from the Durhamgate development would be opening soon and would increase traffic at the location.

Councillor Foster, local member for the area explained that it was unfortunate that the business would be affected, however, given the fact that the business did not have permission to be located at the site, the potential road safety concerns with the increased traffic on the opening of the new link road, it was imperative that the traffic order be introduced. Councillor Foster added that the Council would assist the business affected by the proposal.

Resolved

That the recommendation contained in the report be agreed.

7 A690 Gilesgate to Carrville, Request to Reduce 70mph Speed Limit

The Committee considered a report of the Corporate Director, Neighbourhood Services which provided details of a public consultation to the possibility of lowering the speed limit on the A690 between Gilesgate and Carville to 50mph (for copy see file of Minutes).

The Strategic Highways Manager made a presentation to the Committee which detailed the background to the consultation which had followed on from a previous consultation process regarding Kepier Crossing (for presentation see file of Minutes).

The Committee were informed that a number of improvements at Kepier crossing which comprised of the installation of reflective bollards, cutting back of foliage and new signage which had improved visibility.

Councillor Thomson, local member for the area thanked the officers for their presentation and highlighted the following issues:

- there had been numerous accidents not referred to in the report;
- the bus lane was unlit and would soon be utilised soon by taxis and motorbikes;
- there had been an increased number of buses utilising the bus lane with the relocation of the Arriva Bus Depot onto a nearby Industrial Estate;
- cited a number of road safety related issues associated with a nearby caravan park located to the west of Carville intersection which often resulted in traffic stopping in the central reservation.

Councillor Thomson agreed that the signage and cutting back of foliage had greatly improved the crossing point and queried the cost of £100,000 detailed in the report and that a breakdown of those figures be provided to him. In summing up, Councillor Thomson felt that a 50mph speed limit would be enforceable and more appropriate. He added that the two local county councillors along with Belmont Parish Council were in favour of a reduced speed limit and wished to see no further facilities on the stretch of road.

Councillor Wilkes commented that there had been definite improvement with the works undertaken in the area, however, there still appeared to be difficulties with visibility and suggested that the foliage be cut back further. Councillor Wilkes also suggested that a reduced speed limit would bring a number of other benefits to the area, particularly in terms of driver and pedestrian safety, reduction of noise pollution to local houses and would provide an overall, more balanced speed limit.

The Strategic Highways Manager informed the Committee that Durham Constabulary had responded to the proposals and their view was that the current speed limit reflected the correct level of speed for the road in accordance with the Department for Transport guidelines.

Councillor Arthur shared Councillor Wilkes' concerns about the foliage but expressed concern that during the spring and summer months the foliage would become large and overgrown and would grow towards the roadside. In terms of the proposed speed reduction, Councillor Arthur accepted that a very tragic accident had occurred but felt that the current speed limit was appropriate for the road and should be unchanged. Councillor Arthur moved the recommendation contained in the report, provided a programme of maintenance could be incorporated into the recommendation.

Councillor Todd supported the comments made by Councillor Arthur and agreed to second the proposal, providing the additional works relating to foliage could be undertaken.

The Strategic Highways Manager acknowledged the foliage issues raised by Councillors Wilkes and Arthur and highlighted that a programme of cyclic maintenance should be carried out at the location to maintain a good level of visibility.

Councillor Bainbridge referred to the reduction of the speed limit at Chester Moor and felt that the stretch of the A690 was potentially more appropriate to have a 50mph speed limit in place given that there was a dedicated crossing and public right of way.

Councillor Wilkes commented that Councillors should not have to take into consideration whether or not the police could enforce a reduction in speed limit, the fact of the matter remained that if the Committee wished to endorse a reduction in speed limit then enforcement would be a matter for the police to undertake. Councillor Wilkes moved a counter proposal that the speed limit should be reduced which was seconded by Councillor Thomson.

The Committee then heard from a local resident who explained that his partner travelled the route every morning to commute to work and often witnessed people crossing the road. Whilst she slowed down on seeing people cross the road, it was not unusual for other road users to increase their speed and overtake, which had resulted in a number of near misses for pedestrians.

Upon a vote being taken it was

Resolved

- (i) That the findings of the consultation be noted and that the existing speed limit be retained; and
- (ii) That the Strategic Highways Manager arrange for a programme of cyclic maintenance to be undertaken in the area to ensure that foliage was cut-back to ensure optimum visibility at all times.

8 North Durham Academy, Stanley - Waiting Restrictions

The Committee considered a report of the Corporate Director, Neighbourhood Services regarding a proposed scheme of waiting restrictions around the vicinity of North Durham Academy, Stanley (for copy see file of Minutes).

The Strategic Highways Manager informed the Committee that the scheme had been devised as part of a planning condition granted in 2011 for the North Durham Academy Campus.

The scheme itself would include the introduction of various waiting restrictions around the vicinity of the academy to help deter parking problems around the school gates which would inevitably lead to congestion and access problems.

The Committee were informed that much consultation had taken place at the informal stage and questionnaires with two options had been sent to local residents affected by the proposals. One objection had been received at the formal, statutory advertisement stage in relation to visibility on Mona Street, lay-bys in front of shops and issues of cars parking in various streets (Murray Park and Slaidburn Road).

In response to the objections received, the Strategic Highways Manager informed the Committee that work involving junction improvements, repositioning of give way markings and a right hand turn prohibition as detailed in the report would be undertaken at Mona Street. In relation to the other restrictions, the Committee were informed that Slaidburn Road would be the main access route for pupils and for access to the staff car park which would not be wide enough to allow parking on both sides of the road, as well as maintaining two way traffic. Congestion would occur during peak hours if no parking restrictions were introduced on the Academy side of the road.

Resolved

That the recommendation contained in the report be agreed.

9 C17 Woodland Road, Auton Stile, Toll House Road and Aldin Grange Terrace, Bearpark and C18 Whitehouse Lane, Ushaw Moor

The Committee considered a report of the Corporate Director, Neighbourhood Services which provided details of a proposed road traffic order concerning speed limits in and around the Bearpark area (for copy see file of Minutes).

The Strategic Highways Manager informed the Committee that the scheme had been devised following numerous requests from various sources to investigate the possibility of amending the speed limits on the C17 and C18 to accord with the character and environment of the road and to enhance compliance and enforcement of speed limits. The Council had reviewed the roads with Durham Constabulary and consent had been sought to implement 40mph buffer zones.

Councillor Turnbull informed the Committee that he was not opposed to the scheme generally, however, he expressed his serious concerns in relation to the proposed increase of the speed limit (from 30mph to 40mph) on the C17 leading down to Whitehouse Lane, Ushaw Moor. Councillor Turnbull informed the Committee that the road lead into an existing housing estate and was the main point of access for transport and pupils attending Durham Community Business College.

Councillor Wilkinson, local member for the area supported the views made by Councillor Turnbull and agreed in principle with the scheme with the exception of the proposed 40mph speed limit from from the C17 leading down Whitehouse Lane. Councillor Wilkinson expressed concerns about public safety and the close vicinity of the local comprehensive school.

Councillor Wilkes, local member for the Bearpark area commented that he had been pushing for some of the proposed changes detailed in the report, not specifically the section that Councillors Turnbull and Wilkinson had referred to. Councillor Wilkes suggested that the overall proposal would make the road much safer for pedestrians and other road users.

The Strategic Highways Manager informed the Committee that there was no expectation that vehicle speeds would increase by the introduction of 40mph speed limit at the location referred to by Councillors Turnbull and Wilkinson and was being proposed in accordance with guidance. The Committee were assured that signage would be provided and the 40mph limit would provide motorists with two opportunities to reduce from the national speed limit.

The Committee then heard representations from a spokesperson of Durham University. They were supportive of the review of the speed limit but had reservations about certain sections of the speed limit, with particular reference to the Durham University Cycling Club who used the road regularly. They queried elements of the proposals where speed limits were being increased from 30mph to 40mph, when the average speed at the point in question was 37mph. The University could see no reason for an increase of the speed limit at certain locations and referred to the new Department of Transport Circular 01/2013 which stated that consideration should be given to the rural setting and vulnerable road users. It was considered that cyclists using a nearby cycle path and other recreational users had not been taken into consideration.

The Strategic Highways Manager also referred to representations made by a local resident and volunteer ranger for Sustrans who had submitted a written representation relating to the issue. The objections raised were similar to those made by Durham University where the proposal was to increase the speed limit from 30mph to 40mph upto the edge of Bearpark. Concern was expressed that an increase of the speed limit would make crossing route 14 of the National Cycle Network more dangerous and discourage the use

of the cycle route. Views had also been expressed about potentially better compliance and enforcement with a 30mph speed limit on the whole section of the road which would make the road safer for everyone.

The Assistant Traffic Engineer informed the Committee that enhanced road markings would be used to encourage motorists to decrease speed earlier on the particular stretch of road in question. An explanation was also provided to the Committee about research into driver habits and a reassurance was given that the proposals did accord with the relevant criteria and vulnerable road users had been taken into account.

Councillor Naylor referred to the earlier issues raised by Councillor Turnbull and asked if anything could be done to resolve the issue.

The Strategic Highways Manager informed the Committee that the scheme could be implemented as per the report and appropriate review of effectiveness could be undertaken. Councillor Turnbull clarified that he did not object to the scheme, but wished to see further discussions take place in relation to Whitehouse Lane and could not support the scheme without any such discussion.

Upon a vote being taken it was

Resolved

That the recommendation contained in the report be agreed and that a review of the effectiveness of the scheme be undertaken in due course.

10 Unc Burns Terrace, Shotton Colliery - Traffic Calming

The Committee considered a report of the Corporate Director, Neighbourhood Services regarding a proposed scheme of traffic calming measures in the vicinity of Burns Terrace, Shotton Colliery (for copy see file of Minutes).

The Strategic Highways Manager informed the Committee that the scheme had been devised following the submission of a 45 named petition requesting the County Council provide road humps in order to slow traffic in a residential street where children often played.

Councillor Todd, local member for the area informed the Committee that nearby Moor Terrace had gained a certain reputation during recent times with much heightened police activity being undertaken in the area. Councillor Todd welcomed the proposal for the speed humps and hoped that they would slow traffic down to more sensible speeds for the residential area.

Resolved

That the recommendations contained in the report be agreed.

11 Unc. Rotary Way, Pity Me, Durham

The Committee considered a report of the Corporate Director, Neighbourhood Services which presented further findings in relation to a petition request for a pedestrian refuge at Rotary Way, Pity Me (for copy see file of Minutes).

The Strategic Highways Manager informed the Committee that the issue had been considered at previous meetings of the Highways Committee on 23 March and 19 April 2012 where decisions had been deferred to enable a site visit to be carried out in order for the Committee to familiarise themselves with the layout of the area and to enable further research be undertaken on other possible options available, together with a further traffic survey.

A further risk assessment had been undertaken of the various options discussed by the Committee in April 2012 and were presented in Appendix 3 of the report.

Councillor Martin informed the Committee that he had raised the issue as a private matter as a resident of the Hag House estate and not as a Councillor and provided the following representations to the Committee:

- many residents crossed the location at the point currently;
- questioned the proposed cost of the footpath detailed in the report;
- people would still cross the road at the same location, regardless of whether the unrecognised cut was not in place at the 'Pets at Home' store;
- the actual location of where people would cross was currently hatched and was appropriate for a pedestrian island and would allow motorist to turn right or left from Hag House Estate;
- since the original petition had been submitted the Draft County Durham Plan contained an actual crossing point at the location in question;
- a reduction in the speed limit for the area, not referred to in the report would provide for sense of comfort for residents and the general public crossing the road.

The Strategic Highways Manager informed the Committee that he was comfortable with the cost of the £15,000 quoted for the installation of a footpath, with 160mm depth with kerb edging. This would be the preferred option and would be achievable for the costs quoted in the report.

Councillor Foster commented that there could be future possibilities as alluded to by Councillor Martin during his representation and a crossing may be part of a future programme of works. Under the circumstances, Councillor Foster stated that there was no budget for any work to be undertaken and could only support the recommendation contained in the report. Councillor Naylor seconded the proposal.

Councillor Wilkes expressed concern in relation to an option that appeared to suggest that pedestrians should walk to the nearest roundabout to cross the road which was an option difficult to comprehend given the level of foliage and the amount of moving traffic that used the roundabout. Councillor Wilkes suggested that a facility be provided in accordance with the wishes of the residents, by way of the installation of a pedestrian refuge which was seconded by Councillor Thomson.

Upon a vote being taken for each proposal it was,

Resolved

That the recommendation contained in the report be agreed.

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DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Council Chamber, Council Offices, Spennymoor on **Wednesday 13 March 2013 at 2.15 p.m.**

Present:

Councillor J Robinson in the Chair.

Members of the Committee:

Councillors B Arthur, A Bainbridge, S Hugill, E Tomlinson, J Turnbull, C Woods and J Blakey.

Also Present:

Councillors B Ord and K Thompson.

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, D Burn, N Foster, D Hancock, D Marshall, J Maslin, A Naylor, J Shiell, P Stradling, T Taylor, L Thomson, R Todd, A Wright and R Young.

2 Substitute Members

Councillor J Blakey substituting for Councillor A Naylor.

3 Declarations of Interest

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

4 Whitworth Park School, Spennymoor - Waiting Restrictions

The Committee considered a report of the Corporate Director, Neighbourhood Services regarding a proposed scheme of waiting restrictions around the vicinity of Whitworth Park School, Spennymoor.

The Committee had deferred making a decision on the issue at a meeting of the Highways Committee held on 17 January 2013 following representations made by residents in the area, namely those residents living at Clyde Terrace, and following concerns raised by Committee members about the suitability of the scheme. The Committee had also expressed a wish to undertake a site visit of the area, prior to the issue being reconsidered. The scheme had been devised as part of a planning condition to coincide with the merger of Spennymoor and Tudhoe Comprehensive Schools (for copy and presentation see file of Minutes).

The Strategic Highways Manager informed the Committee that the school development would increase traffic flow into Whitworth Road, via the right-turn manoeuvre at the traffic

signals and would also increase pedestrian activity on Four Lane Ends, Spennymoor. The existing traffic signals lacked the capacity to cope with any increased right-turn manoeuvre and higher traffic flows. Changes to the traffic signals would be required as part of a planning condition to improve pedestrian crossing facilities at the signals. Modification of the traffic signals would be required to manage traffic flow and reduce congestion. This would be achieved by:-

- provision of a signal controlled pedestrian crossings on all legs of the junction;
- changes to traffic signal method of operation and;
- changes to the junction layout to accommodate a two lane approach on Clyde Terrace and Grayson Road.

In addition to this, a proposed 'no waiting at any time' restriction would be introduced on Clyde Terrace. This would improve road safety and increase visibility of traffic signals for drivers and pedestrians by removing parked vehicles. It would also improve traffic flow and reduce congestion by keeping the two lane approach clear of parked vehicles.

The Strategic Highways Manager advised the Committee that the waiting restriction on Clyde Terrace was not related to parking provision at the school or issues with parent parking for drop-off/pick up provision which had both been discussed at the previous meeting.

Since the last meeting of the Committee two alternative schemes had been devised and a safety audit had been carried out on the proposed scheme together with the two alternative schemes, details of which were provided in Appendix 5 of the report and summarised by the Strategic Highways Manager. The Committee were informed that the internal safety audit report supported the original scheme for a signal controlled pedestrian crossings on all legs of the junction and the introduction of a 'no waiting at any time' restriction on Clyde Terrace. The alternative options in both cases, increased risks to drivers and pedestrians due to restricted visibility at other times and alternative option two posed an increased risk to pedestrians trying to cross the road at Clyde Terrace. Four of the five affected properties on Clyde Terrace appeared to have garage or vehicular access to off-street parking at the rear of the property.

The Strategic Highways Manager referred to an email received by officers prior to the meeting from one of the objectors and summarised the issues within, which included; a query in relation to the data provided through an Freedom of Information request about accident statistics, rat-running issues generated by traffic from the direction of West Terrace, parent drop off/pick up points, queries about the loop detection system on the approach to traffic signals, off-street parking, school travel plans, loading and unloading on yellow lines, access for emergency vehicles, photos provided to the Committee at the previous meeting, the dropped kerb on the corner of the local garage and queries in relation to the original and alternative proposals. A response was provided to each query.

Councillor Blakey suggested that a staggered stop line be included in the scheme, if manoeuvring the road was an issue and clarified the length of road as to where the waiting restrictions would be in place.

Councillor Woods queried the planning conditions referred to by the Strategic Highways Manager and highlighted the difficult decision the Committee were being asked to make.

A discussion ensued about the wider implications of the proposed scheme, such as the need for double yellow lines which would displace resident's parking and expressed concerns that such issues should have been raised at the planning stage. This would have enabled residents and local members to register their necessary objections at an earlier stage and would have made them aware of the full extent of the scheme. The Committee were appreciative of residents objections at the traffic order stage which may have borne no resemblance to the planning stage and requested that the Planning and Development Solicitor raise such issues with appropriate officers following the meeting.

Referring back to the planning conditions, Councillor Woods commented that that one condition had already been discharged, which was to close the junction to the garage. The second condition related to the pedestrian crossing phase and nothing more and queried why that sole issue could not have been looked at without the need for the additional measures.

Councillor Bainbridge commented that the vehicles displayed parked on Clyde Terrace during the presentation may not have been parked at the location during school times, given that one vehicle appeared to be a works vehicle.

The Strategic Highways Manager informed the Committee that the additional measures would be required to achieve the planning approval and to increase capacity at the junction. The intention of the photograph was to highlight visibility issues in relation to the traffic signals.

Councillor Arthur suggested that the originally proposed scheme would be the best way forward for the area, having undertaken the site visit. He felt a degree of sympathy for residents, but ultimately, public safety was of prime concern. Councillor Arthur also felt that pedestrian guardrails should be installed on West Terrace/Clyde Terrace and Whitworth Road/Whitworth Lane and moved this proposal as an addendum to the recommendation which Councillor Blakey seconded.

The Committee then heard representations from Councillor K Thompson, local member for the area who expressed concern about the two lane approach and the difficulties of HGV's and buses negotiating the turn from Whitworth Lane, which had been witnessed during the site visit. Councillor Thompson sought clarification if something could be done with the traffic signals without the need to introduce the double carriageway and also suggested that the scheme should be introduced through a phased approach. This could be reviewed appropriately at each stage and a decision could then be taken as to whether any further stages would be required.

The Strategic Highways Manager commented that a suggestion was made on the site visit in relation to the installation of a taller traffic signal head which may overcome any visibility problems for motorists and pedestrians. It was confirmed that this could be done, however, with limitations on how high the signal head could be raised. This would not resolve safety issues for pedestrians. The Strategic Highways Manager also referred to the number of cars parked outside Clyde Terrace whilst the site visit was being undertaken and commented that in effect a two lane approach was already being operated with.

The Area Traffic Engineer added that the major concerns associated with the area related to the safety of children and other pedestrians.

Councillor Maddison, a local Town Councillor, made representations as a town councillor for the area and stated that her views were her own and not those of the Town Council, who had objected. Councillor Maddison referred to possible vexatious incidents in relation to the traffic signals which could be problematic and cause safety concerns.

In response, the Committee were informed that technology was available to minimise these types of incidents, whilst not 100% perfect, it was achievable.

The Committee then heard a number of representations from local residents residing on Clyde Terrace. Mr Fletcher re-iterated his views made at the previous meeting and suggested that the scheme as presented would not physically work. Mr Fletcher commented further that:

- he had lived in the area for 32 years – the school had been there for more than 60 years with near enough a 100% occupancy rate and that boundary changes would bring in less pupils;
- delivery vehicles, heavy goods vehicles and cars accessing the local garage would potentially cause major congestion;
- there were major concerns regarding safety and privacy;
- the traffic surveys that had been carried out weren't with 'real' data and were based on models where vehicles had been inputted as units – not the actual size;
- issues around West Terrace and access to the entrance of West Terrace would be an issue when buses are parked at a nearby bus stop.

The Building Schools for the Future Project Manager confirmed to the Committee that the entrance to the new academy would open in September 2013 and improvements to the road junction would be funded from the project. Capacity at the school would grow to 1100 in 2014 and would be likely to increase up to 1350 pupils.

Mr Moore spoke on behalf of the other objectors and summarised his further views to the Committee as follows:

- highlighted issues with the design and access relating to the school (46 car parking spaces and capacity for coach parking) cited of Whitworth Terrace, splitting traffic over two entrances;
- pointed out that safety improvements had already been made in the area in 2002 with the installation of traffic signals and a puffin crossing;
- traffic calming had already been introduced in Whitworth Lane which would assist with school safety;
- residents had campaigned for traffic signals to be changed having witnessed problems experienced by larger vehicles;

- highlighted the real danger that accidents at the location would increase, purely through driver behaviour at the traffic signals;
- acknowledged the benefits of a raised traffic signal head which would provide for better visibility;
- resident and visitor safety and quality of life for residents would be severely affected;
- potential rat-running to the rear of Clyde Terrace onto West Terrace would endanger the safety of those properties who had utilised the rear of their properties as play areas for their children.

The Strategic Highways Manager confirmed that the traffic calming, signals and puffin crossing catered for previously were for existing conditions in the area and the proposed scheme would cater for future and expected conditions. It was considered that that a taller traffic signal would improve visibility and potentially combat red light running. Issues around potential rat-running could be kept under review and acted upon accordingly.

Councillor B Ord, local member for the area commented that he was positive about the school and thanked the Committee for deferring the scheme for further consideration. Councillor Ord took all aspects of road safety seriously and supported objection number seven detailed in the report and was of the opinion that in-house parking on the school grounds should have been given consideration. Councillor Ord commented that it was a simple issue that residents did not want such restrictions to be placed outside their properties and there was no argument about any of the safety features discussed at either meeting.

The Building Schools for the Future Manager informed the Committee that the issue of on-site parking at school had been debated at length during the planning stage. Every school in the County tried to avoid third party vehicles on school sites. There was no segregation at present, however, that would be provided within the new development. The provision of parking on school sites did not encourage more active ways for pupils to get to and from school.

In response to a question from Councillor Turnbull in relation to cars parking on the paved area off the pedestrian crossing from West Terrace, the Area Traffic Engineer informed the Committee that the installation of a pedestrian guardrail around the corner would prevent such instances.

Councillor Woods commented that she felt a great degree of sympathy for those members of the public who had made representations and supported the views of the two local members. Councillor Woods felt that there was no reason as to why the scheme could not be split over two phases, adding that improvements could be made to the crossing and the traffic signals initially, without the need for a two lane approach and the parking restrictions being imposed on those houses affected on Clyde Terrace and moved a proposal on that basis.

Councillor Bainbridge supported Councillor Wood's alternative proposal.

Upon a vote being taken, the amended proposal was lost.

Upon a further vote being taken it was

Resolved

That the recommendations contained in the report be agreed and in addition that the kerb be raised on the corner of Whitworth Road in line with the remainder of the kerb given that drainage was longer an issue and that pedestrian guardrails be installed at the corner of West Terrace/Clyde Terrace and Whitworth Lane/Whitworth Road.

Highways Committee

11 April 2013



Proposed Traffic Regulation Order

**B6532 Front Street & Durham Road,
and Fynway, Sacriston.**

Report of Terry Collins, Corporate Director of Neighbourhood Services

Councillor Bob Young, Cabinet Portfolio Holder for Strategic Environment

Purpose of the Report

1. To advise committee of the representations and objection received in respect of the proposed changes to the parking restrictions in Sacriston.
2. It is recommended that the committee endorse the proposals having considered the representations and objection, and proceed with the implementation of the parking restrictions.

Background

3. Requests were received from various sources to investigate the possibility of introducing waiting and loading restrictions at various locations in Sacriston to counteract problems that are currently being experienced as a result of inappropriately parked vehicles. Three locations had been identified.
4. The primary concern identified is the B6532 Front Street adjacent to the Doctor's Surgery / Pharmacy. The side road entering Front Street from the rear of Front Street, adjacent to no. 59, was also identified as problematic in respect of the parking associated with visitors to the local shops.
5. The second location of concern is to the south of the signal controlled crossroads of the B6532 Durham Road and the B6312 Wilton Road / Plawsworth Road. Visibility for motorists leaving Findon House is obstructed to the south by parked vehicles. The proposal is to extend the existing No Waiting and No Loading At Any Time restrictions to alleviate this problem.
6. The third location of concern relates to the former bus turning area on Fynway. Again with respect to inappropriately parked vehicles.
7. It is anticipated that these restrictions will discourage parking at these locations, reduce congestion and improve road safety.

Proposal

B6532 Front Street

8. It is proposed to install No Waiting, No Loading, Loading Bay and Disabled Bay restrictions to the length of highway in the vicinity of the Doctor's Surgery / Pharmacy. These are in the form of:
 - a. No Waiting and No Loading restriction Monday – Friday, 8am-6pm is proposed to the front of numbers 3-1 West View southerly to the start of the proposed Loading Bay;
 - b. Loading Bay and two Disabled Bays at all times adjacent to the Doctor's Surgery / Pharmacy;
 - c. No Waiting and No Loading At Any Time restriction adjacent to the former Public House; and
 - d. No Waiting At Any Time restriction on the west side of Front Street from approximately opposite West View southerly to opposite the Cross Leas junction.

Unc. Front Street (east back)

9. It is proposed that a No Waiting At Any Time restriction be installed at this junction. It is anticipated that restricting parking in this area will improve road safety for vehicles entering and leaving the residential area to the rear of Front Street.

B6532 Durham Road

10. It is proposed that the existing No Waiting At Any Time restriction be extended in a southerly direction to improve visibility for motorists leaving Findon House and consequently improve road safety.

Unc. Fynway

11. It is proposed that the existing No Waiting At Any Time restriction on Durham Road is extended to include the former bus turning area in Fynway. It is anticipated that this proposal will reduce inappropriate and obstructive parking.

Consultation

12. An informal consultation with Local Councillors, residents, businesses and statutory bodies was carried out between the 12 June 2012 and the 3 July 2012. There were 14 responses, 1 was against the proposal and 13 were in favour.
13. In light of comments received during the consultation, there were subsequent meetings between Local Councillors and Council officers to discuss the outcome of the informal consultation and adjust the proposals to accommodate requests where possible.
14. Further discussions were held between the manager of the Doctors Surgery and the manager of the Pharmacy to consider the requirements of disabled persons' access to the surgery and the delivery of drugs to the pharmacy. The outcome of the discussions with these respective managers was to accommodate each of their concerns regarding the proposed restrictions.

15. The statutory consultation was carried out between the 24 January 2013 and 14 February 2013. There were initially two objections to the Order, one of which was subsequently withdrawn after receiving a response from the Council.

Representation

16. One resident had reservations about the reduction in kerbside space to park vehicles.

Response: The proposals have been amended by reducing the restriction to a limited waiting Mon-Fri 8am-6pm restriction to accommodate some of the resident's concern and allow parking outside of these times.

Objection

17. **The introduction of parking restrictions to the front of West View will create access problems to residents who request a resident's permit parking scheme.**

Response: It is not considered, from observations at this site, that the Council's criteria will be met to justify the introduction of a residents' parking permit scheme. There are garages and forecourt parking facilities to the rear of West View the extent of which it is considered will serve the needs of the residents and their visitors. The proposed waiting and loading restrictions, adjacent to West View, apply Monday to Friday 8am to 6pm.

Statutory Representations

18. Of the statutory consultees, responses of support were received from the North East Ambulance Service, Durham Constabulary and Kevan Jones MP.

Local Member Consultation

19. The Local Members Anne Wright and Allen Turner both support the proposals.

Recommendations and Reasons

Recommendation

20. It is recommended that the Committee endorse the proposals, having considered the representation and objection, and proceed with the implementation of the Traffic Regulation Order.

Reasons

21. The proposed restrictions are expected to have a positive impact on road safety and help to reduce traffic congestion.

Background Papers

22. Correspondence on Office File
23. Copies of Correspondence have been placed in the Members' Resource Centre.

Contact: David Battensby Tel: 03000 263681

Appendix 1: Implications

Finance - Funding for the scheme is from the Members' LAMA

Staffing - None

Risk - If the scheme was not to proceed there is a risk that road safety would be compromised

Equality and Diversity / Public Sector Equality Duty - Improved road safety

Accommodation - None

Crime and Disorder - None

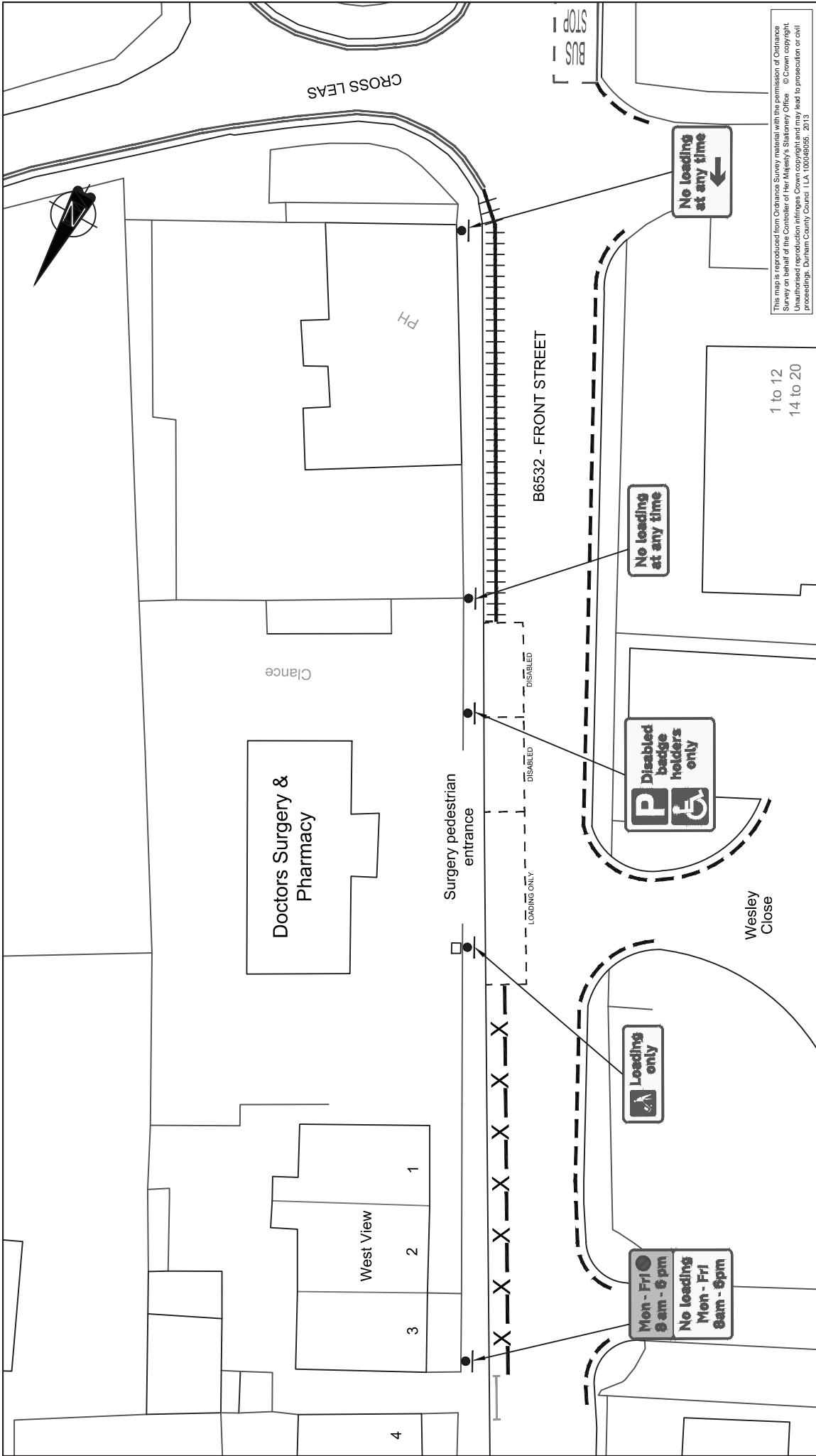
Human Rights - None

Consultation - As described in the report

Procurement - Works to be delivered by Durham County Council Highway Services

Disability Issues - None

Legal Implications - The measures are being introduced in accordance with the current legislation



Project B6532 - FRONT STREET, SACRISTON NEW WAITING AND LOADING RESTRICTIONS	
Drawing SHEET 1 OF 3	
Project Drawing No. T26063/HC/001	Not to scale
Scale	Rev. -

Durham
County Council

TRAFFIC AND COMMUNITY
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SPENNYMOOR
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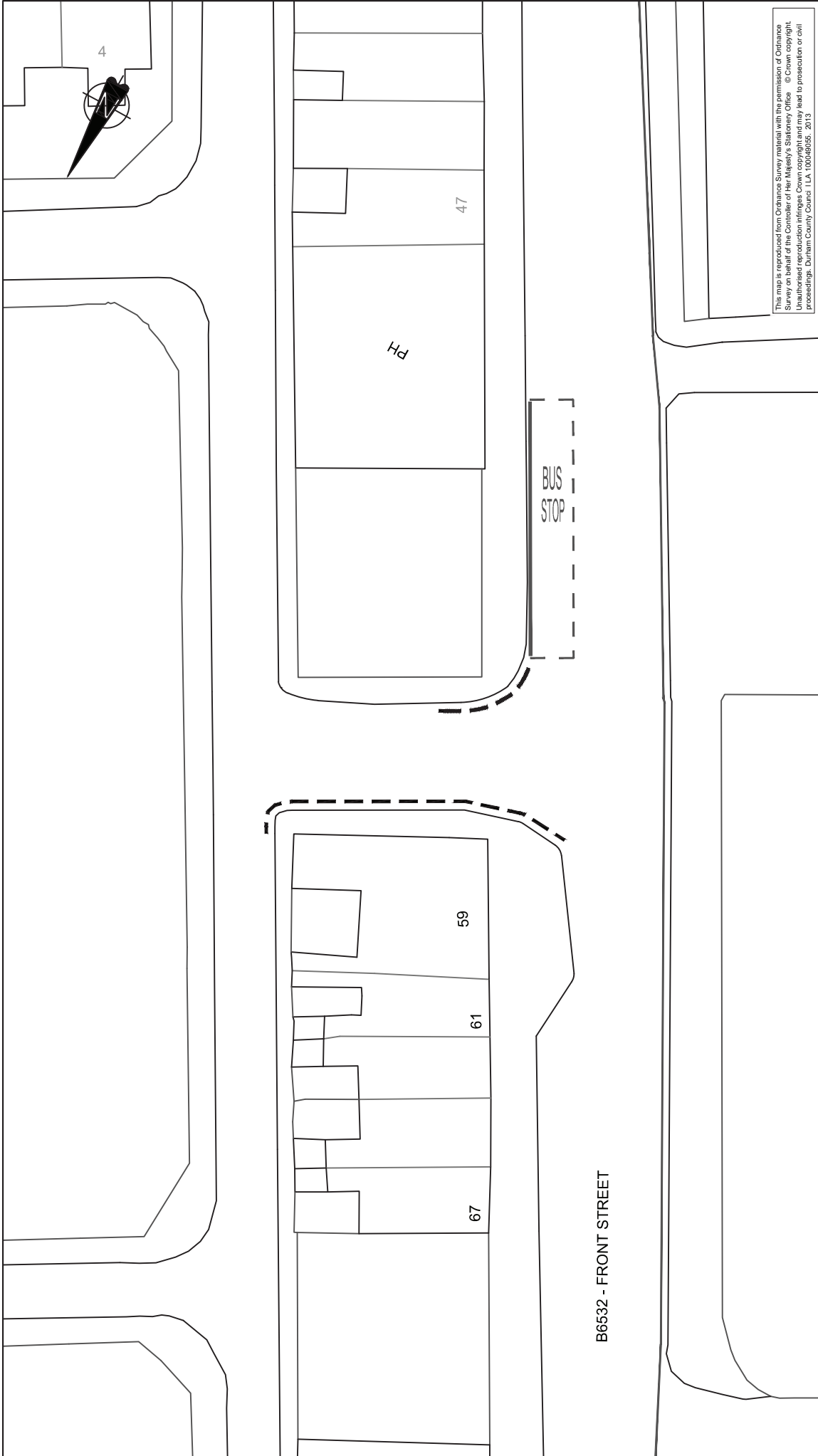
Rev/Amnd	Name	Date	Sign	Description Of Amendments
-	DB	15.03.13	<i>Amend 8/4/13</i>	

KEY

- No Waiting At Any Time
- ||||| No Waiting/No Loading At Any Time
- X-X-X- No Waiting Monday - Friday 8am - 6pm
No Loading Monday - Friday 8am - 6pm
- ==== Existing No Waiting At Any Time

Approved By: _____
Date: 15.03.13
Sign: *DB*

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Project	B6532 - FRONT STREET, SACRISTON	
Drawing	NEW WAITING AND LOADING RESTRICTIONS	
Scale	SHEET 2 OF 3	
Project/Drawing No.	T26063/HC/002	
Scale	Not to scale	
Rev.	-	



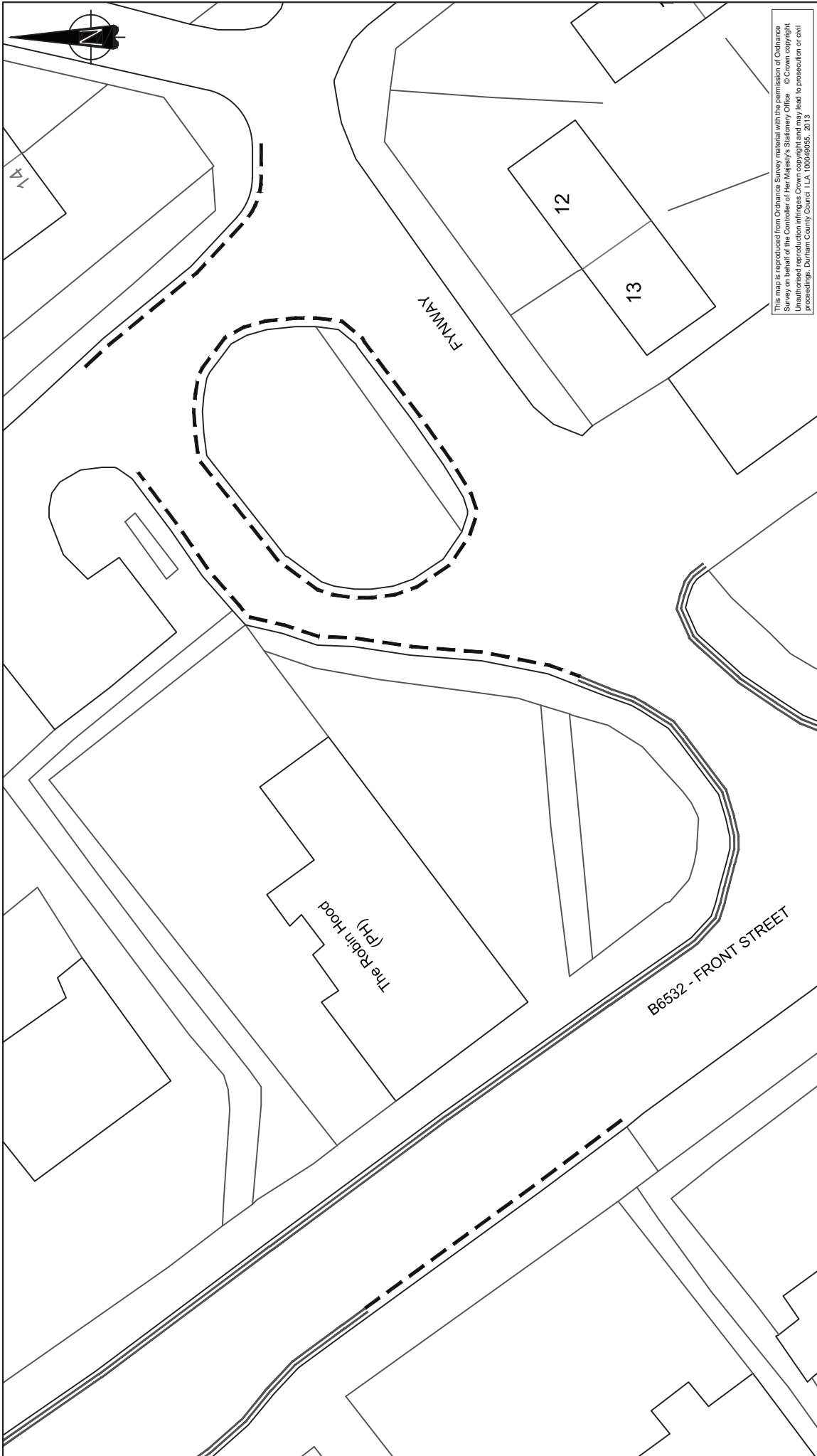
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COUNTY DURHAM
DL16 6UQ

Rev/Amnd	Name	Date	Sign	Description Of Amendments
-	DB	15.03.13	<i>[Signature]</i>	

KEY

- No Waiting At Any Time
- - - Existing No Waiting At Any Time 8am - 6pm

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Project
B6532 - FRONT STREET/FYNWAY, SACRISTON
 NEW WAITING AND LOADING RESTRICTIONS

Drawing
 SHEET 3 OF 3

Scales
 Not to scale

Project/Drawing No.

T26063/JHC/003

Rev. -



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 COUNTY DURHAM
 DL16 6UJ

Rev/Amnd	Name	Date	Sign	Description Of Amendments
-	DB	15.03.13	<i>[Signature]</i>	

KEY

- No Waiting At Any Time
- Existing No Waiting At Any Time

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