



## Highways Committee

**Date** Thursday 6 February 2014  
**Time** 9.30 am  
**Venue** Committee Room 2, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meetings held on 7, 15 October and 6 November 2013 (Pages 1 - 14)
4. Declarations of interest, if any
5. Durham City: Parking and Waiting Restrictions (South West) Order 2013 - Report of Corporate Director, Regeneration and Economic Development (Pages 15 - 26)
6. Voluntary Registration of Land as Village Green at Eldon - Report of Head of Legal and Democratic Services (Pages 27 - 30)
7. 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  
29 January 2014

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

Councillor G Bleasdale (Chairman)  
Councillor C Kay (Vice-Chairman)

Councillors J Allen, B Armstrong, D Bell, H Bennett, I Geldard,  
O Gunn, D Hall, D Hicks, K Hopper, O Milburn, S Morrison,  
R Ormerod, J Robinson, J Rowlandson, P Stradling, R Todd,  
J Turnbull, M Wilkes and R Young

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**Contact: Michael Turnbull**

**Tel: 03000 269 714**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Monday 7 October 2013 at 9.30 a.m.**

**Present:**

**Councillor C Kay in the Chair**

**Members of the Committee**

Councillors J Allen, B Armstrong, D Bell, H Bennett, D Hicks, K Hopper, O Milburn, S Morrison, R Ormerod, J Robinson, P Stradling, R Todd, J Turnbull and M Wilkes

**Also Present:**

Councillor K Dearden

**1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale and D Hall.

**2 Substitute Members**

There were no substitute members present.

**3 Minutes of the meetings held on 4, 8 and 27 July 2013**

The minutes of the meetings held on 4, 8 and 27 July were agreed as a correct record and signed by the Chairman.

**4 Declarations of interest, if any**

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

**5 Proposed Traffic Regulation Orders relating to the re-opening of the northern end of Stanley front Street to vehicular traffic**

The Committee considered a report of the Corporate Director, Regeneration and Economic Development relating to objections received to a scheme which would see the re-opening of the northern end of Stanley Front Street to vehicular traffic (for copy see file of Minutes).

The Committee received a presentation from the Strategic Highways Manager which illustrated the existing layout of the area and photographs depicting various views of Front Street and the immediate surrounding area.

The scheme had been developed in conjunction with the Stanley Masterplan, agreed in 2012. The area was a key location identified in the plan for improvement with particular

emphasis on vehicular entry, parking access and pedestrian movements. The scheme would see the creation of a new slip road together with additional parking. The introduction of disabled and short stay parking would improve custom to local businesses and facilities. Buildings would have servicing that they didn't have at present and there would be increased parking provision within easy reach of the town centre.

Following extensive consultation, 22 objections had been received. Twelve of the objectors lived in the area immediately affected by the scheme, five lived in the wider Stanley area and the remaining five were anonymous. Details of the objections were summarised in the report and centred around the opening up/junction of Front Street/Thorneyholme Terrace, the one-way system and parking issues.

The Strategic Highways Manager commented that in addition to these objections, a petition had been circulated in the wider community which contained around 180 signatures formally recording objections to the proposals to open the Front Street, Stanley outside St. Joseph's Roman Catholic School. This had not been received by the County Council and had instead, been sent to the Department for Transport based in Newcastle. The confusion had arisen due to a separate consultation taking place in the area by the Department for Transport, which related to the scheme.

Councillor K Dearden, one of the local Councillors for the area informed the Committee that she had no objections to the proposals as the area was in desperate need of regeneration.

The Committee then heard representations from the Chair and Vice-Chair of Governors from St. Joseph's RC School, summarised as follows:

The school actively supported the master plan, the vision and fully understood the need to revitalise and improve the attractiveness of the town centre whilst increasing accessibility. However, they did not wish for this to be at the expense of the safety of their pupils. The school were unaware of any vehicle collisions in 27 years of school life; 'no waiting' signs would ease and alleviate parking and it was felt that the scheme would simply encourage parking outside the school gates which would create difficulties and dangers for school children.

The school had met with Council officials to discuss safety issues and had proposed a number of modifications which included:

- lowering/strengthening the school wall;
- the creation of disabled/push chair access at the Front Street gate;
- an extended paved area outside of the gate;
- a barrier immediately outside of the School entrance and extending along the street;
- speed humps outside of Elite buildings;
- a narrowed road directly outside of the School gate;
- a table T-junction at the junction of Thorneyholme Terrace and Front Street.

Whilst the modifications were welcomed, there had been an expectation for the installation of at least one pedestrian crossing at the junction of Thorneyholme Terrace and Front Street, with further speed humps together with a designated reduced speed zone in the area.

Concerns had also been expressed about the timing of the consultation process, given that the formal consultation period had ran from 25 July to 15 August 2013. This had coincided with the school summer holidays and it was felt that the proposals had gone under the radar of parents. Since the school had re-opened for the new term in September, parents had expressed their serious concerns about the scheme and were overwhelmingly against the proposals put forward. The general consensus being that the introduction of traffic outside the school gates would pose a serious threat to the safety of children. Their strength of feeling had culminated in the launch of the aforementioned petition against the proposals which had gained much support in the local community.

The current entrance to St Joseph's was located on a pleasant, pedestrianised street which allowed pupils and parents alike to congregate in the area safely. The Front Street entrance to the School had not changed for many years. The wall surrounding the Front Street yard was a very old stone built wall. The entrance to the yard was very narrow with a number of steps. As such, it was simply inaccessible for parents with prams and push chairs or disabled visitors. This meant that those falling into that category waited for their children outside of the School gate on the current pedestrianised street.

Both parents and pupils could congregate comfortably and safely to socialise when the School day finished and positively impacted on the Front Street and local businesses. Parents used the local shops as part of the school run. This would diminish if the School was effectively situated on a 'rat run' where people could no longer gather safely.

The Strategic Highways Manager informed the Committee that the consultation had not been timed to coincide with the school holidays. The pre-consultation carried out in May and June was the wider, intense consultation that took place prior to the more statutory formal adverts which were issued throughout July and August.

He advised the Committee that the scheme would not jeopardise the safety of children, and measures such as the inclusion of traffic calming, guardrails and wide footways would assist in this regard. In terms of the possible 20mph speed limit, the Strategic Highways Manager confirmed that this could be incorporated into the scheme in line with the Committee's wishes.

The Committee then heard representations from a Ward Councillor from Stanley Town Council who was speaking as an individual and not on behalf of the Town Council. As a resident of Stanley for 66 years he supported the representations made by St. Joseph's RC School. In his opinion, the one-way route proposed in the scheme was at fault and suggested a revised route, which would include extra space for parking in Thorneyholme Terrace, for residents and parents.

The Strategic Highways Manager informed the Committee that the effects of the alternative proposal would not materially change the impact to the school as presented in the proposal.

The Committee then heard from a local resident of Thorneyholme Terrace who commented that traffic in the area appeared light. Many of the cars parked during the week were attributable to staff from the local Jobcentre. Access to the buildings at present were via a slip road where vehicles could load and unload. He considered that parents

should be able to collect their children up without fear and felt that the scheme should not be progressed during the current financial climate.

Councillor Stradling felt a certain degree of sympathy for the school and sought confirmation as to how many pupils were on the school roll. The Chair of Governors commented that it would likely to be around 200. Councillor Stradling indicated that if that were the case it would be imperative for a 20mph speed limit to be introduced together with possible parking restrictions.

Councillor Wilkes commented that there was no indication in relation to the cost of the project and on hearing the representations made, felt that there were more negative aspects to the scheme than positives.

Upon a vote being taken, it was

### **Resolved**

That the recommendations contained in the report be agreed, together with the inclusion of a 20 mph speed limit in the immediate area.

## **6 Loss of open space objections relating to the sale of land adjacent to The Todner, Front Street, Dipton**

The Committee considered a report of the Head of Spatial Policy, Planning, Assets and the Environment regarding the potential disposal of open space land for private garden use adjacent to The Todner, Front Street, Dipton (for copy see file of Minutes).

The Committee were informed that objections had been received to the proposed disposal following an encroachment on Council land. The loss of open space was acceptable under planning policy and was approved on 10 October 2012. Following this approval, in accordance with relevant legislation the loss of open space was advertised within the local media which had resulted in a number of objections.

The objections raised centred around the loss of an area for amenity use and cited that the outlook for residents nearby would be affected. There was also an objection that the land had been fenced off without the Council's permission and concerns had been expressed about the process that had been followed.

The Committee listened to representations from one of the local members, Councillor Alderson. A number of residents in Dipton had contacted him about the erection of the fence. At the time of querying the erection of the fence there had been an enquiry regarding the possible purchase of the land but at that time, nothing had been processed. The nearby, 'Delight Court', some sheltered accommodation, previously looked out onto the open land, however this had now been obstructed because of the fencing off of the area.

The applicant informed the Committee that the request to purchase the land had been made in January 2011. The land had become overgrown with bushes. In addition to this it was a common occurrence for rubble to be dumped on the land and it also attracted fly-tipping. The fire brigade had been called to extinguish fires on more than one occasion to

the area of land in question. Two neighbours had also purchased adjoining land to their properties.

The applicant accepted that he had fenced off the area without permission. The Council had indicated long before the erection of the fence that they would be inclined to sell the land to him and at no point had the applicant been asked to dismantle the fence.

In relation to the objections that had been received applicant commented that the garden would enhance the area and would be in-keeping with other houses in the area. The applicant commented that accusations had been made about him in relation to other parcels of land and stated that these were categorically untrue.

Councillor Kay assured the applicant that the Committee would only deal with the facts of the matter and the application before them. Any comments about former Councillors or the process would not be part of the decision making process.

The Planning and Development Solicitor advised the Committee that discussion about the possible returns to the County Council, by way of a covenant were not relevant to the application, nor were any accusations. The key deciding factor for the Committee related to whether they felt it acceptable for the land to be designated as open space.

Councillor R Ormerod commented that generally, it was not in favour of the Council keeping pockets of land outlined in the application in such austere times, particularly when there were more suitable areas of open space within the area.

Councillor Stradling commented that having considered all the information provided and listening to the representations made, that the land should cease to be classified as open space.

### **Resolved**

That the recommendation in the report be agreed.

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## **DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 15 October 2013 at 10.00 a.m.**

**Present:**

**Councillor G Bleasdale in the Chair**

### **Members of the Committee**

Councillors C Kay (Vice-Chairman), J Allen, B Armstrong, D Bell, H Bennett, I Geldard, D Hicks, S Morrison, R Ormerod, J Rowlandson, R Todd, J Turnbull and R Young

### **Also Present**

Councillor A Shield

### **1 Apologies for Absence**

Apologies for absence were received Councillor O Gunn, K Hopper and M Wilkes.

### **2 Substitute Members**

### **3 Declarations of interest**

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

### **4 Application for Village Green Registration - 'The Field', West Lane, High Westwood**

The Committee considered a report of the Head of Legal and Democratic Services regarding a an application to register an area of land known as the The Field, West Lane, High Westwood as a town or village green (for copy see file of Minutes).

A copy of the Application (without the supporting user evidence) was attached at appendix 2. Thirteen evidence questionnaires (attached at appendix 3) had been submitted together with a letter from the occupants of Astley House. A spreadsheet summary of the supporting evidence was attached at appendix 4.

As required by the Commons Registration (England) Regulations 2008 notice of the Application had been published on the Council's website and in the local media. The Council's Access and Rights of Way section had advised that there were no recorded public rights of way over or across the Land, however, there was a public right of way (footpath no. 7, Consett) that bordered the south east corner of the land.

The Committee were informed that the application site formed what was part of a school playing field. For any application to be successful all of the elements of section 15 of the Act had to be strictly proven, those being that:

- (i) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, had indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and;
- (ii) they continued to do so at the time of the application.

The application period was between 1990 and 2003. The land was enclosed with two access gates which appeared consistent with the need to keep children safe from traffic when the land was being used for school activities.

One witness had stated that the land was known as 'the playing field' and another as the 'school field'. Reference was also made to the land being used for school fairs and school related activities until the school closed. Other statements also indicated that the land had been used regularly for school activities as well as dog walking, children playing, summer picnics and bonfires. Therefore, it was considered that the 'lawful sports and pastime' element of the legal test appeared to have been satisfied. The legal representative did however point out that that common sense appeared to dictate that the school would not have wanted people walking their dogs on the land when it was in use by school children playing.

The legal representative informed the Committee that the land had appeared to have been used regularly for school activities. School use would have been with permission. The relevant period for the application was 1990 to 2010. Out of 13 statements, 5 related to the 20 year period and predominately referred to children playing. No distinction had been made between children using the land as part of the school use and the children using the land unconnected to the school. After 2003 when the school closed there would be no need to make such a distinction and it was the period between 1990 and 2003 that proved relevant. It was felt that the legal test had not been met in this regard.

The Committee then heard representations from the applicant who stated that she had lived in the area in 2003 and the school had closed in the late 90's (between 1997 and 1999). Evidence had been provided that the application area had been used by the village for community activities for the past 45 years and beyond. The land was owned by the National Coal Board. There were at least six statements of evidence which suggested that the public had used the land freely and were never excluded at the time. The applicant also challenged the Council's view on the access gates and informed the Committee that the boundary fence was in a state of disrepair when they moved into the area. It was the local residents group who had applied for funding from the Council to repair the fence and create a second gate.

The applicant also informed the Committee that evidence had come to light from a former schoolteacher who was located in a classroom which had an open view of the field. They had stated that people were allowed to walk on the field and were not aware of anyone having being excluded from doing so.

The applicant felt that many of the points provided in relation to the application area had been based on assumptions and not actual evidence and felt that the application should be approved because the application did meet the relevant legal test, given that:

- the general public were never excluded from the land;
- schoolchildren used the school yard to play and not the field;
- the residents association created the second gate;
- members of the village used the field for community purposes

Councillor Alan Shield, local Councillor for the area explained to the Committee that neither he nor Councillor Stelling had not been properly notified of the application before the Committee and the issue had been going for an inexcusable period of time.

Councillor Ormerod queried why an approximate date had been provided in relation to the school closure and queried what the population of the village was.

The legal adviser informed the Committee that the school closure date was an approximation based on research over the Council's intranet. There were no more than 20 houses with a population of around 60 people.

The Chairman informed the Committee that given the circumstances and viewpoints expressed and given the additional, potentially important evidence had been provided, there should be a process whereby the further evidence should be corroborated.

The Committee expressed their concern over the handling of the application and the process that had been followed, given that some Councillors had cancelled other meetings in order to attend what had been a specially arranged meeting.

### **Resolved**

That the application be deferred.

## **5 Village Green Registration - Land lying to the south of New Row, Eldon**

The Committee considered a report of the Head of Legal and Democratic Services which provided an update to the Committee on a legal opinion provided by Mr David Manley QC relating to the application received to register land lying to the south of New Row, Eldon as town or village green under the provisions of the Commons Act 2006 (for copy see file of Minutes).

The legal adviser advised the Committee that it needed to determine the application with the key question being as to whether the evidence submitted, on the balance of probabilities, satisfied the statutory test contained in section 15(2) of the Commons Act 2006.

Twenty-two written statements had been provided by local residents and the landowner had objected to the application. A number of statements had been withdrawn since they had been made, some of which had been later reinstated. The Council had previously expressed its concern about the associated withdrawal of statements.

The objectors to the application were of the view that the withdrawn statements should not be taken into account as part of the application. They highlighted to the Committee that the statements were originally made due to people in the village being misinformed about the potential uses of the land and therefore, felt obliged to sign and submit the statements.

Eldon Parish Council had consistently taken the view that it could not withdraw the application once validly lodged, as it was considered that this was only a matter which the County Council as Registration Authority could determine. However, the Parish Council had acknowledged that, if a non-statutory public inquiry was held, it would be able to call little or no evidence in support of the application.

The legal opinion received stated that the County Council could not wholly ignore the evidence as it has been submitted, but by the same token it could not ignore the fact that the deponents wished for it to be withdrawn or effectively ignored. Given that none of the parties, including the applicant had explained their change of position it was the QC's advice that 'their view, all goes to weight' and entitled the Council to conclude that the application had not been supported by credible evidence that supported the case to the necessary standard of proof'. The Barrister's view was that the evidence submitted could not be considered believable as part of the application due to the change in position.

Having considered all of the factors and the legal advice received, the Legal Adviser informed the Committee there appeared to be no credible evidence that could be relied upon and that the statutory test for registration of the application land as a town or village green had not been met by the applicant.

**Resolved**

That the application be rejected on the basis that the test contained within section 15(2) of the Commons Act 2006 had not been satisfied on the balance of probabilities.

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Wednesday 6 November 2013 at 9.30 a.m.**

**Present:**

**Councillor C Kay in the Chair**

### **Members of the Committee**

Councillors D Bell, H Bennett, I Geldard, O Gunn, K Hopper, O Milburn, S Morrison, J Robinson, P Stradling, R Todd, J Turnbull and M Wilkes

### **1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, J Allen, B Armstrong, D Hall, D Hicks, R Ormerod and R Young.

### **2 Substitute Members**

### **3 Declarations of interest**

Councillor P Stradling declared an interest in relation to Item No. (Application for Village Green Registration – ‘Church Green’, Horden)

### **4 Application for Village Green Registration - 'The Green', Elm Crescent, Kimblesworth**

The Committee considered a report of the Head of Legal and Democratic Services regarding an application to register an area of land as town or village green known as ‘The Green’ at Elm Crescent, Kimblesworth (for copy see file of Minutes).

The Committee were informed that 30 witness letters had been submitted with the application. The application was advertised as stipulated by regulations. No formal objections to the application had been received.

The Legal Adviser informed the Committee that section 22 of the Commons Registration Act 1965 would apply in the case presented before them given that the application had been submitted prior to the Commons Act 2006. The applicant must demonstrate that all elements contained within section 22 of the Act must have been satisfied on the ‘balance of probabilities’, those being:

- the inhabitants of any locality
- have indulged in such sports and pastimes
- as of right
- for not less than 20 years

A local resident had questioned the extent of the land as it included an area within his ownership and had raised an issue regarding access. The applicant had advised that the application plan should be reconfigured to exclude the area within his ownership and the area was included as an oversight and did not reflect the position on the ground. The application had requested that the area detailed in Appendix 6 to the report be excluded from the registration.

The legal adviser informed the Committee that the majority of the application site was owned by the County Council and confirmed that the area of land owned by Mr Hind, had actually been included in error.

Mr Hind confirmed that he had nothing to add to the application and confirmed that the eastern edge of the boundary consisted of mixed hedge which acted as a barrier of segregation.

### **Resolved**

That the land, excluding the area within the ownership of Mr Hind, had been satisfied by the applicant and that the application for registration of the land known as 'The Green', Kimblesworth be agreed.

## **5 Application for Village Green Registration - 'Church Green', Opposite St Mary's Church, Blackhills Terrace, Horden**

Prior to the commencement of the item, Councillor P Stradling left the meeting.

The Committee considered a report of the Head of Legal and Democratic Services regarding an application by Horden Parish Council to register land known as 'Church Green', opposite St Mary's Church, Blackhills Terrace, Horden as town or village green under the provisions of the Commons Act 2006 (for copy see file of Minutes).

The Committee were informed that the land was bounded by walls with gaps for access which led onto Tarmac surfaced footpaths over and across the site. 95% of witnesses had used the land for access.

The legal test which the Committee had to consider was under Section 15(2) of the Commons Registration Act 2006 and the relevant time period between 1882 and 2012. Under Section 15(2) of the Act and must continue to do so at the time of the application

- a significant number of the inhabitants of any locality/any neighbourhood within a locality had indulged as of right in lawful sports and pastimes
- for a period of at least 20 years and

It appeared that the land had been used for access along defined paths by the majority rather than being used as a whole for general recreational purposes. An assessment of evidence by officers had taken place and it was considered that the statutory test for registration of the application had not been met and that the land should not be registered as town or village green.

Councillor Milburn explained to the Committee that the user evidence provided, by way of the tick boxes on the witness forms appeared to indicate that many wide and varied activities had been witnessed taking place on the land. This had included organised activities such as carol singing. Councillor Milburn felt that the application had been supported by relevant evidence.

The legal adviser informed the Committee that the activities referred to by Councillor Milburn were relevant in terms of the 20 year time period, however, the main use appeared to be that of walking.

Councillor Gunn supported those views expressed by Councillor Milburn and felt that the advice to reject the application was contradictory, particularly due to the fact that the tick boxes contained on the questionnaire had indicated that activities such as sledging, ball games and skating had all taken place during the prescribed period. Whilst Councillor Gunn accepted that a lot of walking took place over the land it appeared to be largely a recreational area and was not in support of rejecting the application.

The legal adviser informed the Committee that the advice provided had been based on the evidence presented before the Committee.

Councillor Robinson queried if the County Council were aware as to who owned the land and reiterated those comments made by Councillors Milburn and Gunn. Councillor Robinson also felt that the design of the evidence questionnaire needed to be re-visited.

Councillor Wilkes commented that it was clear that the area had been used for many other activities other than walking and the area had been used by people from wider areas. These people had provided statements that the land had been used for other activities.

Councillor Morrison explained felt that 18 out of 20 user evidence forms submitted had indicated uses other than that of walking and supported the comments made by Councillors Milburn and Gunn.

Prior to the Committee making a determination on the issue, Councillor Kay queried whether there were any legal implications to consider given that the strength of feeling from the Committee had been a preference to accept the application. The legal adviser confirmed that there were no legal implications providing the Committee were satisfied that sufficient evidence had been provided.

### **Resolved**

- (i) That the application be agreed;
- (ii) That officers consider that the evidence questionnaires in support of registration as a new green be looked at, particularly in relation to the section relating to activities that inhabitants had seen taking place on the land.

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## Highways Committee

6 February 2014

Durham City  
Parking and Waiting Restrictions (South  
West) Order 2013



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### Report of Ian Thompson Corporate Director Regeneration and Economic Development Councillor Neil Foster , Cabinet Portfolio Holder for Regeneration and Economic Development

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#### 1.0 Purpose

- 1.1 To advise Members of an objection received to the formal consultation on the proposed traffic regulation order relating to a Traffic Regulation Order (TRO) covering the South West of Durham City.
- 1.2 To request members consider the objection made during the consultation exercise.

#### 2.0 Background

- 2.1 To ensure that the County Council can operate an efficient and effective Civil Parking Enforcement regime it is necessary that all restrictions are monitored and reviewed on a regular basis. As part of this exercise we have revoked all of the existing TROs and are in the process of making new TROs that describe restrictions as they currently exist in a map based format.
- 2.2 With the above in mind, a formal consultation exercise was undertaken to advertise the existing orders. The vast majority of the existing TROs were to remain unchanged, however amendments were proposed for:
  - Milburngate – Replace the existing disabled parking only, no return 1 hour with disabled parking only 3 hours, no return before 6pm.
  - A177 lay-by (south of Howlands park and ride) – Introduce No Waiting At Any Time restriction.
  - Redhills Lane – Introduce No Waiting Monday to Friday, 8am – 5pm.
  - Laburnum Avenue – Introduce No Waiting At Any time restriction and amend Pay and Display Parking Bays.
- 2.3 The amendments for Redhills Lane were proposed following a request from several local residents. The location in question is in close proximity to Durham Johnson School and as such is subject to a high level of parking.

This can cause problems with regard to road safety, particularly in the section of carriageway either side of the sharp bend in the road.

- 2.4 In addition to the road safety issues noted above these residents also often encounter problems accessing their driveways due to the close proximity of parked vehicles. Redhills Lane is a relatively narrow street and as such manoeuvres must be undertaken in limited carriageway space.
- 2.5 For the Redhills Lane amendments an initial consultation letter was delivered to affected residential properties on the 4<sup>th</sup> March 2013, with responses to be received by the 24<sup>th</sup> March 2013. At this stage it was proposed to implement a Monday – Friday, 8am -5pm restriction on both sides of the carriageway from No. 13 Redhills Lane in a south westerly direction to a point adjacent to No. 16 Redhills Lane. This proposal was met with a degree of reservation by some of the residents as they felt the proposed restrictions did not extend far enough.
- 2.6 Therefore, the restrictions were extended and a further consultation exercise was undertaken between the 6<sup>th</sup> and 27<sup>th</sup> June 2013.
- 2.5 The formal consultation exercise for this scheme commenced on the 22<sup>nd</sup> August 2013 and closed on the 12<sup>th</sup> September 2013.

### **3.0 Proposals**

- 3.1 It is proposed that a Monday – Friday, 8am – 5pm restriction be implemented on both side of Redhills Lane from No. 13 in a south easterly direction to the junction with St Aidans Crescent.

## **4 Objection**

- 4.1 One objection was received to the proposed scheme. This objection was received in response to the formal advert.
- 4.2 The objector notes that they are opposed to the scheme for the following reasons:
- Restrictions should be equidistant either side of the bend.
  - The restrictions should be reduced in length by approximately two thirds at the south eastern end.
  - Should scheme go ahead, then residents parking permits should be introduced.

## **5.0 Response**

- 5.1 During the initial consultation exercise the proposed restrictions were equidistant either side of the bend. Unfortunately this led to objections from the local residents as they felt that restrictions at this length would not resolve the problems they are currently encountering. As previously mentioned, this led to the second consultation exercise where the restrictions were extended in a south easterly direction towards the junction with St Aidan’s Crescent.

- 5.2 The residents of Redhills Lane are not supportive of a reduction in length of the proposed restrictions. Support for the increased length of waiting restrictions has been directly received from numbers 16, 18, 22, 24 Redhills Lane.

Consideration was given to extending the restrictions in a westerly direction towards the A167. However it was decided not to pursue this at present as the current proposal extends far enough to enhance and maintain visibility near the bend at this point.

- 5.3 There are currently high numbers of vehicles parking within the Redhills Lane area. It is assumed that these vehicles are associated with the school or commuters walking into Durham City.

We have not received any requests from residents to implement permit parking in this area.

Residents permits are only introduced when the current parking conditions meet the criteria as detailed in Durham County Councils Parking Strategy. The criteria states that for permits to be applicable that more than 40% of kerbside space must be occupied by non-residents for over six hours in the survey period and more than 85% of kerbside space must be occupied by any vehicle(s) during the same six hours.

Should a request for permit parking be received then, this area would be considered using the above criteria.

## **20.0 Local member consultation**

- 20.1 The Local members have been consulted and offer no objection to the proposals.

## **21.0 Recommendation**

- 21.1 It is **RECOMMENDED** that the Committee endorse the proposal having considered the objections and proceed with the implementation of the Traffic Regulation Order;

## **Background Papers**

Correspondence and documentation on Traffic Office File and in member's library.

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**Contact: Lee Mowbray Tel: 03000 263 693**

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## **Appendix 1: Implications**

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**Finance** – DCC Capital

**Staffing** – Carried out by Strategic Traffic

**Risk** – Not Applicable

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

**Accommodation** - No impact on staffing

**Crime and Disorder** - This TRO will allow effective management of traffic to improve economic activity, reduce congestion and improve road safety

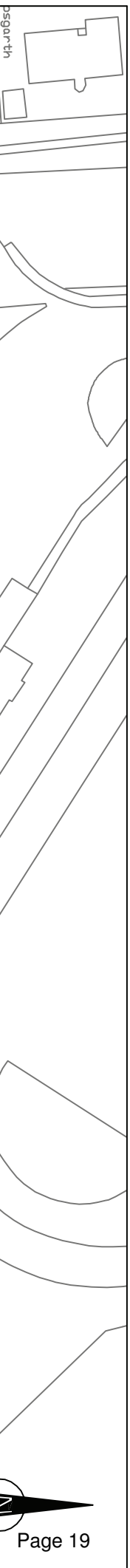
**Human Rights** - No impact on human rights

**Consultation** – Is in accordance with SI:2489

**Procurement** – Operations, DCC.


**Disability Issues** - None

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



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**Key:**

 Proposed extent of 'No Waiting' Monday - Friday, 8am - 5pm' restriction.

 Proposed location of new sign posts and plates.

**PATH:**

Rev/ Amdt	Drawn By	Approved By	Description Of Amendments
Name	Date	Name	Date
Sign			
R. Smith	June '13		



**Durham**  
County Council

**STRATEGIC TRAFFIC MANAGEMENT**  
CORPORATE DIRECTOR OF REGENERATION & ECONOMIC DEVELOPMENT  
COUNTY HALL, DURHAM, DH1 5DG

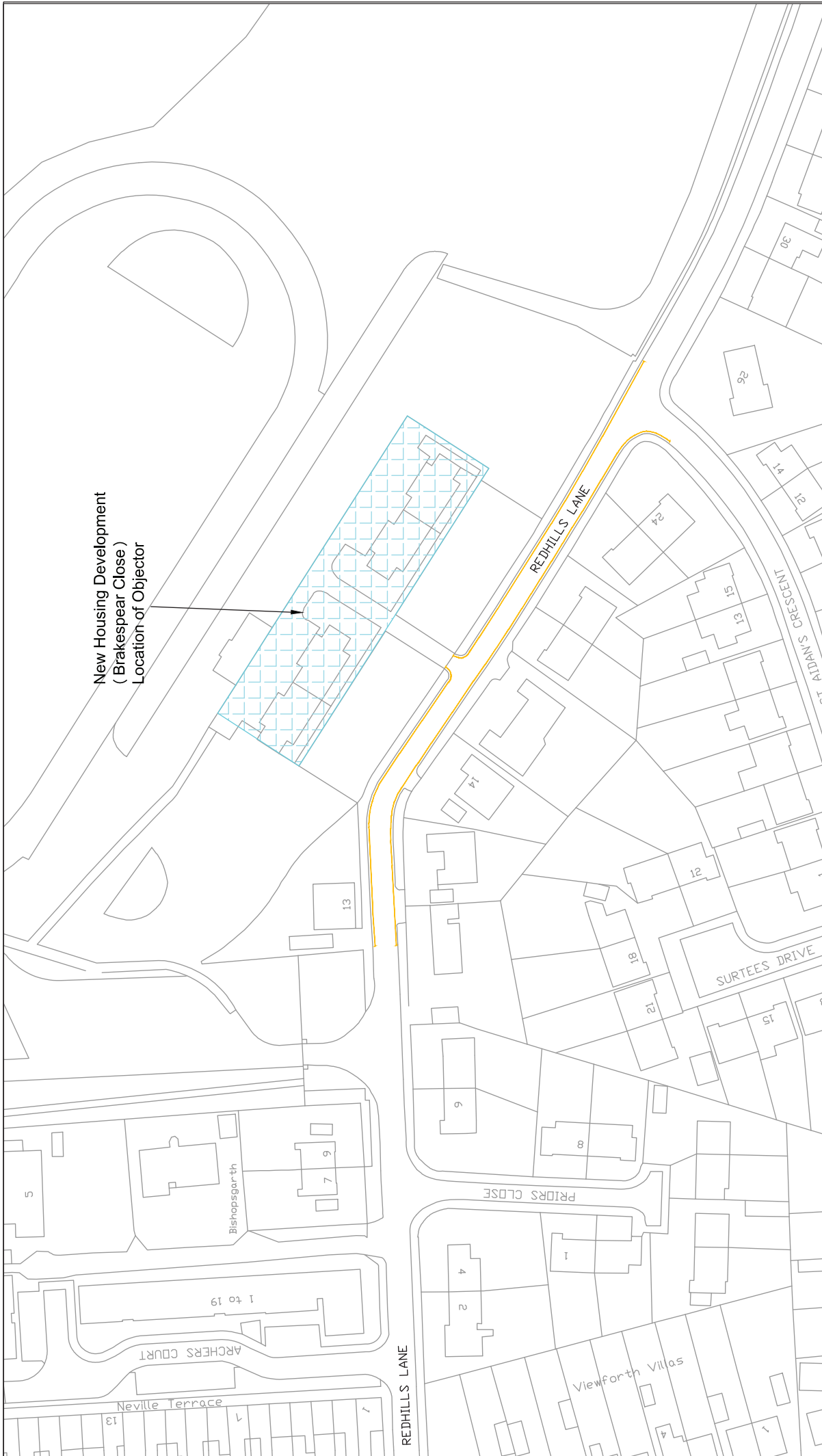
**Project:** Redhills Lane

**Drawing:** Proposals

**Scales:** 1:1000 @ A4

**Project/Drawing No.:** TM/40038/13/92

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New Housing Development  
(Brakespear Close)  
Location of Objector



**Corporate Director  
Regeneration & Economic  
Development**  
Strategic Traffic Management  
County Hall, Durham DH1 5UQ

**THE COUNTY COUNCIL OF DURHAM  
DURHAM CITY PARKING AND WAITING  
RESTRICTIONS  
LOCATION OF OBJECTOR**



Scale: 1:1250 @ A3  
Date: DECEMBER 2013  
Drawn by: L. Mowbray  
Signature: \_\_\_\_\_  
Date Sealed: \_\_\_\_\_  
Map Schedule: \_\_\_\_\_

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34 Orchard Drive,  
Durham,  
DH1 1LA.

(but soon to be  
2 Brakespear Close, off Redhills Lane,  
Durham, DH1 4BF.)

26<sup>th</sup> September, 2013

Durham County Council,  
County Hall,  
Durham,  
County Durham,  
DH1 5UL

Ref: 92624

Dear Ms Loraine Holding,

In reference to the Durham City (South West) Parking and Waiting Restrictions Order 2013 (ref 92624), I would like to raise my objections to one part of this Order. I am specifically opposed to the new Restricted Waiting zone that is proposed for Redhills Lane (map reference numbers DV139, DW139).

I'd like to understand why the Council thinks this restriction needs to be implemented. My first thought was that it was a problem with people parking on the east side of the upper part of Redhills Lane and walking to work in Durham City. This is clearly not the case because that part of Redhills Lane is free of restrictions. My second thought is that it must be related to Durham Johnstone School. That is also not the case because there are no parking restrictions outside the Redhills entrance/exit to Durham Johnstone School. So I am utterly baffled why restrictions are required in between these two zones. Clearly there are building works at the Bellway Crawshaw Grange site but these are due to be complete in the next couple of months. After this the street will revert to normal.

If there really is a permanent issue here, the proposed restriction would apply to the two busier parts of Redhills Lane. Since these sections are not affected by this proposal, the logical assumption is that there isn't any significant issue in these areas and therefore the section of Redhills Lane to which the Order applies, will actually be quieter with less disruption than either of the parts towards the west and east of the upper section of Redhills Lane.

As part of the wider proposal, this part of the Order is a complete waste of time and more importantly a waste of taxpayer's money. The proposed Redhills Lane "No Waiting Restriction" should be removed from the Order meaning that there will be no further costs to the council associated with administration, marking out the roads and signage. Furthermore, there will be no on-going costs to enforce the restrictions.

To indicate further flaws in the proposal, I can raise the following points but in truth, I cannot see one positive aspect of the proposal. Firstly these restrictions would mean the neighbouring streets such as St Monica Grove, St Alden's Crescent, Priors Close or the part of Redhills Lane near the Durham Johnstone School entrance would then be subjected to increased parking. Secondly, Redhills Lane is often used as a "rat-run" for drivers leaving the city centre and the presence of some parked cars will have some impact on slowing traffic speeds. If there are no parked cars on this road during school hours, does that not make it less safe for the Durham Johnstone students to be walking along this road? In my view it would be less safe.

Either of the Residents Parking schemes found elsewhere in the city are viable alternatives to the proposal but they still have costs associated with administration and enforcement. However, I honestly believe parking on this section of Redhills Lane is not going to be an on-going issue and the Council should not proceed with this part of the Order

Yours sincerely,



Dr Anthony Rees



Contact: Lee Mowbray  
Direct Tel: 03000 263693  
email: lee.mowbray@durham.gov.uk  
Your ref:  
Our ref:



Dr Anthony Rees  
34 Orchard Drive  
Durham  
DH1 1LA

22<sup>nd</sup> October 2013

Dear Dr Rees

**Re: Durham City (South West) Parking & Waiting Restrictions Order 2013**

Thank you for your response dated 26<sup>th</sup> September in relation to the above and may I take this opportunity to apologise for the delay it has taken to respond.

The proposals to which you refer were borne out of a meeting earlier this year between Durham County Council Traffic Section, the local County Councillor for the area and a number of residents. The residents of this area have long since complained concerning the manner of parking associated with the school and the effect it has on road safety. To expand, as I am sure you are aware, Redhills Lane is extremely busy during term time and is often parked up on the northern side of the area in question by vehicles associated with the school. These vehicles create problems for resident trying to access and egress their driveways in two ways. Firstly, owing to the limited width of the road at this point, vehicles parked opposite the properties can cause a degree of obstruction thus making the manoeuvre on/off driveways difficult. Secondly, vehicles approaching the bend in a north – west direction are having to do so on the opposite of the road which we are informed leads to numerous instances of vehicle conflict.

This proposal was initially consulted on in March 2013 and at this time, the scheme was to introduce a No Waiting restriction on Monday – Friday, 8am – 5pm on both sides of the road between numbers 10 and 16 Redhills Lane. This proposal met with some opposition from the residents as they felt the extents of the restrictions did not extend far enough. Hence, further consultation was undertaken which has resulted with the proposal as it stands today.

During the consultation period, requests were received for additional restrictions, particularly in the section between the bend towards the A167. Whilst the parking in this area can be congested at times, these proposals have been rejected as this area is considered far enough away from the bend so that visibility is not restricted.

I trust that the above goes some way to explaining the rationale behind the decision to propose these restrictions, however if you have any further queries please do not hesitate to contact me using the details at the top of this letter.

Should you wish to maintain your objection to this scheme I would be extremely grateful if you could let me know by 4<sup>th</sup> November 2013.

Yours faithfully

*Lee Mowbray*

Traffic Office  
Durham County Council

**Regeneration and Economic Development**  
Durham County Council, County Hall, Durham DH1 5UQ  
Main Telephone 03000 26 0000 Minicom (0191) 383 3802



34 Orchard Drive,  
Durham,  
DH1 1LA.

Regeneration and Economic Development,  
Durham County Council,  
County Hall,  
Durham,  
DH1 5UQ.

Ref: 92624

1 November 2013

Dear Mr Lee Mowbray,

Thank you for your letter dated 22 October 2013 replying to my concerns regarding the parking on Redhills Lane as part of the Durham City (South West) Parking and Waiting Restrictions Order 2013.

I still wish to confirm my objections since there are inconsistencies in your explanation of the proposed restrictions.

Firstly the concern over people parking on the bend in Redhills Lane is clearly a valid one. However, away from the bend, you suggest that:

*"requests were received for additional restrictions, particularly in the section between the bend towards the A167. Whilst the parking in this area can be congested at times, these proposals have been rejected as this area is considered far enough away from the bend so that visibility is not restricted."*

I agree that this is a valid argument but it should also be applied to the south-east section of Redhills Lane where the proposed restrictions extend approximately three times as far towards Durham City Centre when compared to how far they extend towards the A167. In other words, the parking restrictions should be equidistant to the bend.

You also state that:

*"the scheme was to introduce a No Waiting restriction on Monday – Friday, 8am – 5pm on both sides of the road between numbers 10 and 16 Redhills Lane"*

The scheme does not affect access to the garage of number 10 but it does affect access past number 24. If the same distance was applied to the south east as has been applied to the west, then only numbers 12, 14 and 16 would be affected.

One of my initial points was that any parking by non-residents would shift to nearby areas. Clearly this argument has already been noted since the restrictions are proposed to extend along Redhills Lane so that parking is restricted outside *SOME* properties (numbers 18, 20, 22, 24) yet others who live nearer (or at a similar distance) to the bend (i.e. numbers 10 and possibly 8, 6, 4, 2, 7, 9) remain unaffected by the proposal indicating that it is not that big of a problem away from the bend. If the restrictions are

enforced, parking associated with the school will simply shift onto other side streets or further down Redhills Lane thus affecting other residents and their access to their driveways.

In short, some residents appear to be getting preferential treatment whereas all residents should be treated equally. The only logical way equality can be achieved is to introduce a "residents only parking scheme". This type of scheme would serve to dramatically reduce parking in the area and would also clear the road around the bend in Redhills Lane. Under these circumstances, the no waiting restrictions would probably not need to be applied but if they were to be applied then the distance covered should be greatly reduced on the south eastern side.

Furthermore, areas east of the A167 already have residents parking schemes and the area of Crossgate Moor around Redhills Lane and St Monica's Grove is actually atypical in terms of "residents only parking". Areas to the south such as Farnley Ridge or St John's Road at Nevilles Cross are covered by the "residents only parking scheme" as are areas to the north (such as Springwell Road in the North End/Whitesmocks area of Durham). A key reason for the area to the north requiring resident's only parking must be the proximity of the hospital. How is this different to the proximity of a secondary school and sixth form? A key reason for the parking restrictions to the south must be the proximity to the city centre. This area of Redhills Lane is the same distance to the city centre as Nevilles Cross.

In my view the logical solution here is to introduce "residents only parking" with specific no waiting areas such as around the bend in Redhills Lane. There is no specific need to extend this particular no waiting zone to the south east as far as currently proposed. A third of the proposed distance is more than adequate to ensure road safety.

Yours sincerely,



Dr Anthony Rees

34 Orchard Drive, Durham, DH1 1LA  
(but soon to be 2 Brakespear Close (off Redhills Lane), Durham DH1 4BF)

\* Where I quote "residents only parking scheme" I am not distinguishing between a "residents only parking" or a "residents only parking with pay and display" or a mixture of both schemes. Any of these is a viable alternative.

Copied to:

Email to Lee Mowbray <lee.mowbray@durham.gov.uk>

Hard Copy delivered to County Hall.

6 February 2014

**Voluntary Registration of Land as  
Village Green at Eldon**



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**Report of Head of Legal and Democratic Services**

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**Purpose of the Report**

1. To consider an application to register an area of land ("the Land") known as Eldon Village Green as a village green under the provisions of section 15 of the Commons Act 2006.

**Background**

2. On 5 December 2013 an application to voluntarily register the Land was made to DCC in its capacity as the Commons Registration Authority ("the CRA") by the Assets arm of DCC in its capacity as the owner of the land in question. The application form asserted that DCC is the sole owner of the Land and there are no other lessees, tenants or occupiers of the Land.

**The Law**

3. Section 15(8) of the Commons act 2006 permits the owner of land to apply to register it voluntarily as village green. This power is open to any landowner. Any land so registered will be subject to the same statutory protections as any other registered town or village green, and local inhabitants will obtain a perpetual legal right to indulge in lawful sports and pastimes upon it.
4. The CRA is not required to advertise an application made under section 15(8) and will not examine the merits of registration. The CRA, which is entitled to assume that the Assets arm of DCC have complied with all relevant statutory provisions prior to making the application, need only be satisfied that the applicant is legally entitled to apply to register the land. If it is so satisfied, it has no discretion to refuse the application.

**The application**

5. The officer making the application on behalf of DCC's Assets service has submitted a statutory declaration in support of the application to the effect that the Land is within the ownership of DCC and that all necessary consents (of which there are none) have been received.

**Conclusion**

6. Accordingly it follows that the CRA must register the Land as a village green.

**Recommendation**

7. To register the Land as a village green.

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**Contact: Laura Renaudon**

**Tel: 03000 269 886**

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## **Appendix 1: Implications**

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**Finance – None**

**Staffing – None**

**Risk – None**

**Equality and Diversity – None**

**Accommodation - None**

**Crime and Disorder - None**

**Human Rights - None**

**Consultation – None**

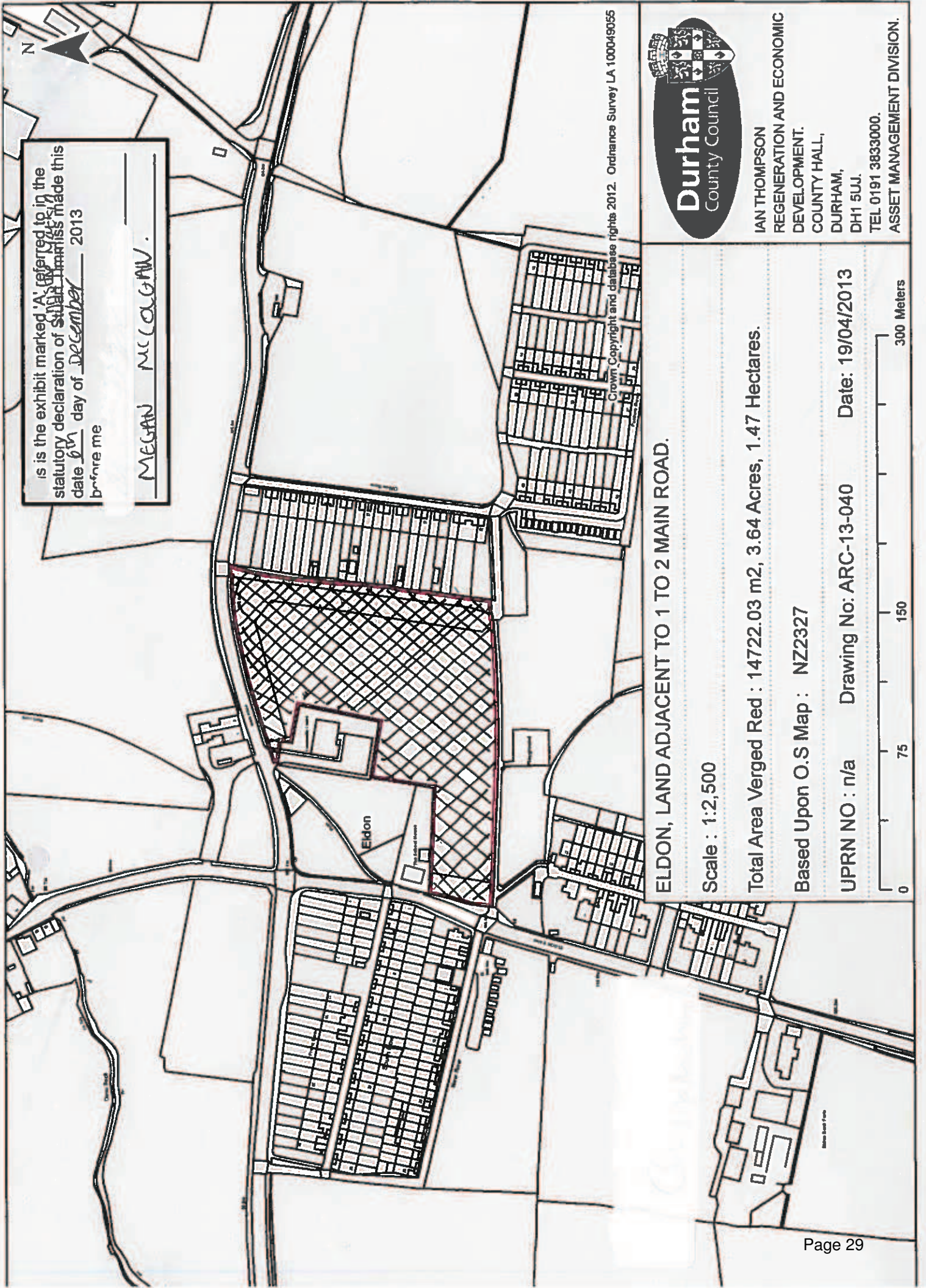
**Procurement – None**

**Disability Issues - None**

**Legal Implications: None**

is the exhibit marked 'A', referred to in the statutory declaration of Stuart Harris made this date 6th day of December 2013 before me

MEGAN MCCAGHAN



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**ELDON, LAND ADJACENT TO 1 TO 2 MAIN ROAD.**

Scale : 1:2,500

Total Area Verged Red : 14722.03 m2, 3.64 Acres, 1.47 Hectares.

Based Upon O.S Map : NZ2327

UPRN NO : n/a Drawing No: ARC-13-040

Date: 19/04/2013



IAN THOMPSON  
REGENERATION AND ECONOMIC  
DEVELOPMENT.  
COUNTY HALL,  
DURHAM,  
DH1 5UJ.  
TEL 0191 3833000.  
ASSET MANAGEMENT DIVISION.

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