

## **DURHAM COUNTY COUNCIL**

At a Special Meeting of the **Highways Committee** held in St. Patricks Hall, Victoria Road, Consett, Durham on **Thursday 2 February 2012 at 11.00 am**

### **Present:**

**Councillor G Bleasdale in the Chair**

### **Members of the Committee:**

Councillors B Arthur, A Bainbridge, N Foster, S Hugill, A Naylor, J Shiell, P Stradling, E Tomlinson, J Turnbull and R Young

### **Apologies:**

Apologies for absence were received from Councillors D Burn, T Taylor, L Thomson, R Todd, C Woods and A Wright

### **Also Present:**

Councillor C Robson and O Temple

### **1 Declarations of interest, if any**

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

### **2 Belle Vue, Consett, Town and Country Planning Act 1990 Public Path Stopping-Up Order**

The Committee considered a joint report of the Corporate Director, Regeneration and Economic Development and Head of Legal and Democratic Services which detailed a proposal to make a Public Path Stopping-Up Order to extinguish any public rights of way which may exist in the Belle Vue area of Consett to enable development in accordance with planning permission.

The Section Manager for Access and Rights of Way provided the Committee with the background to the scheme and stated that whilst there were no recorded public rights over the land in question it was accepted that there was long-term public use on foot, with public rights being acquired on that basis. It was therefore appropriate that those rights be extinguished prior to any development taking place.

The area covered by the proposed order was the area of the existing buildings which would be demolished, the area of the academy and the leisure centre development. A network of new footpaths would be provided for the public to use as part of the development.

The Committee were appraised with the details of the consultation that had taken place with stakeholders. An objection to the proposed order had been received from Councillor Temple, one of the local members for the area.

The Project Manager, Building Schools for the Future Team, informed the Committee that the proposed development had been due to commence in Spring 2010, however, there had been a number of delays associated with the project, most notably with the loss of the lead sponsor and the submission of a village green application. Stopping up was required to provide a secure inner boundary and to maintain visibility and security on site, with the need to control access. The County Council wished to commence development as soon as possible, and confirmation of the stopping up order would allow development to commence.

The Committee were informed that any decision by the Committee to make an order would not prejudice any aspect of the ongoing village green application. It was likely, given local interest, that should any objections be made in relation to the order during the statutory period of notice and not withdrawn, the matter would be referred to the Secretary of State. A planning inspector would then need to be appointed and it was a strong possibility that the process would not be concluded by July/August 2012, with a decision due thereafter.

In response to a question from Councillor Bainbridge in relation to the village green judicial review process, the Planning and Development Solicitor informed the Committee the Judicial Review hearing in the High Court would probably take place in April and that the likelihood was that the stopping up process would not be concluded by the end of the judicial review process. Any decision made by the Highways Committee would not impact on the status of the land subject to judicial review.

Councillor Temple praised the fair and complete process that had taken place to date. He acknowledged that local people would have the opportunity to make representations at an appropriate time, nevertheless, he was attending the meeting with the strength of feelings of those residents behind him. Councillor Temple was of the opinion that the decision the Committee were being asked to make, related to the public right of way, some of which could potentially be village green, subject to the application. That being the case, he suggested that the Highways Committee should perhaps not make any decision on the stopping-up order until the judicial review had been carried out on the basis that the Committee would potentially be pre-judging the possible outcome of the judicial review.

Councillor Robson, the other local Member for the area commented that the development had been delayed on a number of occasions and the timescales were extremely important. Whilst he acknowledged the representations made to local residents through Councillor Temple, he commented that there were a large number of residents equally frustrated and angry at the delays and further disruptions would simply exacerbate the issue.

### **Resolved**

That the order to stop-up pedestrian public rights of way at Belle Vue, Consett be made.