

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Thursday 14 November 2024 at 9.30 am**

### **Present:**

**Councillor R Ormerod (Chair)**

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

Councillors O Gunn, P Heaviside, J Higgins, R Manchester, E Mavin, A Simpson, G Smith, A Sterling, F Tinsley, M Wilson and L Hovvels

### **Apologies:**

Apologies for absence were received from Councillors G Hutchinson, J Howey, K Robson and D Wood

### **Also Present:**

Councillor

### **1 Apologies for Absence**

Apologies for absence were received from Councillors G Hutchinson, J Howey, K Robson and D Wood.

### **2 Substitute Members**

There were no Substitute Members.

### **3 Minutes of the Meeting**

The minutes of the meeting held on 18 October 2024 were confirmed as a correct record and signed by the Chair.

### **4 Declarations of Interest**

There were no declarations of interest.

### **5 Ferryhill Parking & Waiting Restrictions, Traffic Regulation Amendment Order 2024**

The Committee considered a report of the Major Projects Strategic Traffic Management, Regeneration, Economy and Growth which requested approval to progress changes to the Traffic Regulation Order (TRO) in the Ferryhill District at Broom Road and Cleves Court (for copy of report and presentation, see file of minutes).

Kieron Moralee, Traffic Management Section Manager provided a detailed presentation which included a location plan of the proposals and associated buildings; a plan showing the extent of the changes and a plan showing details of the proposals and objectors. He outlined the proposal to introduce no waiting at any time restriction following reports from residents via Elected Members at Broom Road and Cleves Court.

The Traffic Management Section Manager clarified a point made by Councillor A Sterling regarding the measures which had been suggested as parking restrictions were already in force along Broom Road. He added the measures were being introduced to help support existing highway code 243 regulations and these changes would formalise new highway marking.

Councillor A Sterling **Moved** that the recommendation be agreed. Councillor F Tinsley **Seconded** with agreement that there was ample off-street parking for residents opposite and as the school had a long frontage it would not be impacted by the regulations.

Upon a vote being taken the Committee unanimously **Resolved**: That the committee endorsed the proposal, in principle, to amend the Ferryhill Parking and Waiting Restrictions, Traffic Regulation Order 2018, with the final decision to be made by the Corporate Director under delegated powers.

## **6 Definitive Map Modification Application Trimdon Station Walkway**

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change and Corporate Director of Resources which sought approval to progress a Definitive Map Modification Application at Trimdon Station Walkway along the route of the former Railway line at Trimdon Station to Footpath 4 (Ref 5/22/033) (for copy of report and presentation, see file of minutes).

Dagmar Richardson, Definitive Map Officer provided a detailed presentation which included a location plan of the application proposal; user evidence of footpath use for an uninterrupted period and consultation responses. The application had been submitted in November 2022 and was based on unrestricted use of over twenty years under Section 31(6) of the Highways Act 1980. The application had been prompted by the erection of a fence blocking access to steps at the East end of the path from Station Road. The Station Road fence had been erected in May 2022 by the Durham County Council's Clean and Green Team in response to reports of anti-

social behaviour and a request from a Police Community Support Officer, the Parish, local Councillor and Safer Communities Officer.

Councillor L Hovvels, Local Member addressed the committee. She stated she had lived in Trimdon and was familiar with the steps leading down to the historic mineral path, which was overgrown due to low usage and not being maintained by Durham County Council. She outlined that there were steps down to the path making it inaccessible to cyclists, however motorbikes had accessed the route to escape when being pursued by the police. Due to repeated anti-social behaviour the path which bordered private land had been closed by Durham County Council's Clean and Green Team which protected residents and the wider community. Having heard from objectors who owned properties and business along the route it was stated there was a long list of criminality which had led to local residents installing security systems/CCTV and some had considered putting properties up for sale. Public transport had been cancelled on the route which passed the steps due to stones being thrown at buses which had impacted on the community. She said the planned opening of the steps would not have been in the interest of public safety and therefore she would not support the application as a more sensible plan would have been a compromise to find a revised route for an alternative path. Councillor L Hovvels added there would not have been funding available through Sustrans for upkeep and long-term maintenance, improved path accessibility and increasing policing for the area.

The Chair invited local resident Mr Elliott to speak. Mr Elliott asked that the committee considered the reasons the steps were closed and the impact reinstating access would have upon local residents. He stated on two occasions young people had thrown bricks at passing buses which had endangered the life of the passengers and the bus route was cancelled. During the closure of the steps an alternative route had been in use which was less than 2 minutes detour.

Mrs Elliott local resident was invited to speak. Mrs Elliott explained she had lived in the area for 62 years and knew the footpath well which was still open and in use. She highlighted the fence erected by Durham County Council had only been put in place to close access to the footpath via the steps and there were alternative routes down to the path. She felt it had not been highlighted in the public statements and reports that the path was still accessible to anyone who wished to use it. She added the steps should not be opened again due to anti-social behaviour.

The Chair invited local resident Mrs L Beston to speak. Mrs Beston noted the comments of Mr and Mrs Elliott and agreed with the points they had made. She had objected to the reopening of the steps and not the definitive map modification for Trimdon station walkway which had been used for years. Since closure of the steps due to anti-social behaviour the path which had crossed private land belonging to Mrs Beston had still been accessible via an alternative route. The anti-social behaviour which had been reported was listed in the objection letter and included

noise disruption at night from motorbikes ridden up and down the steps by people wearing balaclavas. It had been difficult to live with the worry and she felt it had not been considered by residents who wanted the steps re-opened. There was a duty of care for public safety with the negative impact upon properties and businesses nearby.

A late representation had been received prior to the start of the meeting from an objector who had been unable to attend. At the discretion of the Chair copies were circulated to Members. The letter summarised the objections which were outlined in the report and a map was included, which in the objector's opinion proved that there was not a footpath in this location.

The Chair thanked residents for attending and invited comments from Officers.

The Definitive Map Officer responded to points raised by Councillor Hovvels and residents regarding who had been responsible for the erection of the fencing and closure of the steps. It was confirmed the closure had been undertaken due to anti-social behaviour by the Clean and Green Team. The closure had been agreed in a correspondence from local Police Community Support Officer (PCSO) Rona Stocks which confirmed to the Chair of Trimdon Parish Council and Councillor Hovvels who been contacted and agreed. In relation to user evidence of significant continued use, demonstrated with photographs of the path used as a safe off-road walking route to Trimdon Grange and a gentleman who used the steps for access to allotments. It was noted issues with criminality supported by data from 2016 to the present, had shown that part of the Trimdon area was not unique in reports of anti-social behaviour. In response to the point made regarding access to the path, which crossed private land, when recording a definitive map route under the public rights of way legislation, if the route was evidenced as being in use historically the ownership of the land would have no bearing on the decision.

Neil Carter, Lawyer (Planning and Highways) added irrespective of the outcome of the application the Trimdon steps were already recognised as adopted public highway. Before closure a formal statutory process was not followed by the Clean and Green team and it should not have been closed. The criminality in the area was due to the inappropriate use of the alleged public footpath and the consideration of an alternative route were issues which would be addressed outside of the meeting. The application under discussion involved considering whether there was sufficient evidence to grant the application for the recording of a public footpath by the making of a modification order. As advised by Officers, there was sufficient evidence to demonstrate sustained use by the public as a footpath but not a bridleway (horse riders and cyclists).

The Lawyer (Planning and Highways) responded to questions from Members outlining the impact of recording the footpath application in the definitive map and statement. He clarified that as the steps were recorded as adopted Highway for Public Use in 1974 the fence would have to be taken down reinstating the steps as

designated highway. Diversion of the footpath to an alternative route would require recording the current path as public right of way before a diversion was considered.

Councillor A Sterling thanked residents for attending. She highlighted that objections were related to the steps which had already recognised as highway and the enclosed section of the path not the whole footpath application she **Moved** that the recommendation be agreed.

Councillor R Manchester **Seconded**. He asked for clarification of the process of redirecting a footpath. The Lawyer (Planning and Highways) clarified that for a route to be diverted this would involve extinguishment of the existing and replacement with an alternative route.

The Lawyer (Planning and Highways) responded to a question from Councillor Heaviside regarding the impact erecting the fence had upon access to the path from the street. He stated that a dead end had been created with no access to the path past the fence via the steps which are an adopted highway therefore it should not have been blocked.

Mrs Beston requested to make a point of clarification relating to the footpath route which runs through her garden area which had boundary fences in place. The Definitive Map Officer clarified that if the application was agreed that section of the path would likely be diverted by a future diversion order to a new route.

Councillor F Tinsley noted both applications for the definitive footpath and alternative route could have been sequenced to be agreed that one committee as granting a definitive path and then the alternative path later would impact upon residents. The Lawyer (Planning and Highways) clarified that generally the path would need to be recorded on the definitive map before an application could be made by the landowner to divert to an alternative route.

Councillor A Sterling asked for guidance on a timeframe between agreeing the definitive map modification and an alternative route being agreed. The Definitive Map Officer outlined that a definitive map order which was agreed would be published through notices displayed on site for a period of 6 weeks. Any objections received would go to the Secretary of State for review. Mike Ogden, The Access and Public Rights of Way Team Leader added Officers were supportive of an alternative route which would take the path around private property. The timeline could be compressed by starting informal discussions on a diverted footpath however, the modification order would have needed to be agreed before that could happen. He noted that if objections from other residents are received to a proposed alternative footpath route they would need to be considered.

Mrs Elliot requested to make a point of clarification stating her objection to the application was not the recording of the footpath. It was the steps which had been

closed for over 2 years and the diversion in place was a two-minute walk to get onto the footpath route.

Upon a vote being taken it was **Resolved**: That the the proposal to a Modification Order be made under the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a public footpath along the applied for route from Station Road to Footpath 4.