

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Wednesday 19 June 2013 at 4.00 p.m.**

**Present:**

**Councillor G Bleasdale in the Chair**

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

Councillors C Kay (Vice-Chairman), B Armstrong, D Bell, O Milburn, R Ormerod, J Robinson, J Rowlandson, R Todd and M Wilkes

### **1 Apologies for Absence**

Apologies for absence were received from Councillors J Allen, H Bennett, I Geldard, O Gunn, D Hall, D Hicks, K Hopper, S Morrison, P Stradling, J Turnbull 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 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 sought approval to appoint an Inspector to hold a non-statutory public inquiry to receive evidence, prepare a report and make a recommendation to the Committee on a village green application for land lying to the south of New Row, Eldon, under the Commons Act 2006 (for copy see file of Minutes).

The Planning and Development Solicitor informed the Committee that the application had been submitted in 2011 from Eldon Parish Council. The application had been accompanied by evidence claiming that the land had been exercised 'as of right' for a period in excess of 20 years. Evidence included a number of written statements citing activities such as dog walking, children playing, community celebration, games and general recreation.

An objection to the registration of the land as village green had been received from the landowner who had not substantiated, at this stage any reasoning behind their objection.

The Committee were informed that evidence should be tested in cases where there appeared to be conflict of evidence and the most appropriate way in doing so would be to hold a non-statutory public inquiry.

Councillor Wilkes sought clarification over the costs attached in arranging an inquiry and sought clarification as to whether the land was owned by the County Council. The Planning and Development Solicitor informed the Committee that the cost of an inspector would be charged at a daily rate of around £1000 and the inquiry would probably run for 2-3 days. It was confirmed that ownership aspect of the land was irrelevant and the question of its usage would be the determining factor.

Councillor Rowlandson queried if the landowner had provided any indication of their objection. The Planning and Development Solicitor informed the Committee that she had spoken to representatives of the landowner who had confirmed that they would be questioning the 'substantial' use by inhabitants of the area.

**Resolved:**

That the recommendation contained in the report be agreed.