

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Monday 20 November 2017 at 11.00 a.m.**

Present:

Councillor C Kay in the Chair

Members of the Committee:

Councillors H Bennett, G Bleasdale, S Dunn, A Gardner, S Hugill, O Milburn, S Morrison (Vice-Chairman), P Oliver, R Ormerod, J Rowlandson, P Sexton, J Shuttleworth, A Simpson, J Turnbull and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell, J Chaplow, K Hopper, K Liddell and J Robinson

2 Substitute Members

There were no substitute Members.

3 Minutes

The minutes of the meeting held on 24 July 2017 were agreed as a correct record and signed by the Chair.

4 Declarations of interest

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

5 C10a Leadgate Road, Leadgate - 40mph Speed Limit

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding a proposed Traffic Regulation Order to increase the speed limit from 30mp to 40mph on a new section of road on the C10a western approach to Leadgate (for copy see file of Minutes).

The Committee were informed that the road in question used to be fairly narrow and been subject to a recent road realignment. A railway bridge had also been removed as it was in poor condition. Historically, the road had been subject to a 30 mph speed limit by virtue of it having a system of street lights. The limit had also been self-enforcing due to the overall layout. Traffic signals were also operation over the bridge deck when it was in situ.

The Police had reported that a significant number of complaints had been received about speeding in the area which had resulted in periods of targeted enforcement.

The Committee were provided with a presentation which detailed the following:-

- Location plan;
- current and proposed speed limits;
- a selection of photos from the area.

(for copy see file of Minutes).

The Traffic Assets Manager explained that the 30mph was not considered to be 'self-evident to drivers on the new road layout due to the wide carriageway, the removal of the traffic signals and the lack of property frontage development meaning that drivers were confused with the open aspect of the road layout and used the road as if it were subject to a higher speed limit. The Committee were advised of Department for Transport guidance regarding credible speed limits and best practice for achieving lower speed limits.

A number of representations had been received which were detailed in the report. These were summarised for the Committee.

Councillor Temple accepted the issue as presented by officers but could not agree with the reasoning behind the proposed increase in speed limit. Councillor Temple explained that he had expressed his concerns throughout the consultation process and residents from Villa Real Bungalows and Newbell Court had also expressed concerns. Councillor Temple felt that a decision to increase the speed limit would legitimise people that drove faster. Furthermore, an increased speed limit would create a safety issue for those crossing the Coast 2 Coast (C2C) cycle route and believed that speeds would be faster in areas where motorists would be exiting from estate roads, including Villa Real Bungalows and Sherburn Terrace.

The Committee discussed the use of 30 mph repeater signs as an alternative to increasing the speed limit. It was explained that the DoT would not allow for the use of repeater signs on 30mph stretches of road where street lights were present. However, repeater signs could be used on 40mph stretches of roads. Councillor A Gardner informed the Committee that the C2C was one of the most used cycle routes in the country. He felt that the measures proposed in the report would present an increased danger to cyclists. Councillor Gardner also asked if the 20mph zone around the Primary School should be re-examined.

Councillor P Sexton commented that the C2C crossing point was difficult to cross at the present time, therefore he could not support any increase in the speed limit.

In response, the Traffic Assets Manager informed the Committee that speed surveys had shown that 20% of vehicles were travelling in excess of 30mph at the C2C crossing point, with 5% at a speed where the police would potentially prosecute.

Councillor J Turnbull informed the Committee that a similar speed increase had taken place in his area a number of years ago. At the time he had echoed similar concerns expressed by Councillor Temple and was very doubtful that the scheme would have been successful. However, this had been in place for a number of years to date and it had been a success,

despite the initial doubts. Councillor Turnbull moved the recommendation and proposed that the proposed scheme should be introduced on an initial nine month basis.

Councillor Ormerod felt that the scheme should be rejected on the basis of the unanimity amongst the local members their local knowledge, together with the depth of feeling amongst local residents.

Councillor Milburn seconded the motion moved by Councillor Turnbull.

Resolved

That a Traffic Regulation Order be made to introduce a 40mph speed limit on the C10a commencing prior to the A691/A692 roundabouts, and to introduce a 30mph speed limit to encompass the C2C and zebra crossing facilities at the western end of Leadgate and the operation of the scheme be reviewed after nine months of operation.

6 Wolsingham Byway 157 (Hexham Lane) - Objection to Experimental Traffic Regulation Order to prohibit 4WD vehicles

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an objection to an experimental traffic regulation order to prohibit 4WD vehicles on Wolsingham Byway 157 (Hexham Lane) (for copy see file of Minutes).

The Senior Rights of Way Officer explained the background to the report and provided the Committee with a detailed presentation to assist with the detail provided in the report, as follows:-

- location plan(s)
- explanation of the experimental order
- by-way inspections
- photos of pinch points/4 wheel vehicle damage/wet areas/sand areas
- key comments from the inspections; and
- summary of objection

(for copy see file of Minutes).

In terms of objections, the Committee were informed that landowner one had requested that all motor vehicles are prohibited from using the Byway to ensure it remained in a useable condition for pedestrians, cyclists and horse riders. He provided photos in February 2017 which showed significant damage caused by 2W vehicles. He also described 2Ws accessing other areas and causing distress to his livestock and that 4WDs had ignored the ban and accessed the byway from other estate tracks. He also considered that the damage to the byway created safety issues for his employees and impacted on those who were using the byway on foot or horseback.

Landowner two had made three separate reports between November 2016 and March 2017 about motor bikes ridden off the route of the byway and causing upset to pregnant cows and sheep, leaving gates open and driving too fast. Responses to the objections were summarised to the Committee and were detailed in the report.

The Senior Public Rights of Way Officer explained to the Committee that monitoring of the condition of the byway throughout the period of the experimental order had indicated that the surface had been able to withstand use by 2WD vehicles. Although, there had been some changes in the condition of the byway and the weather/seasonal conditions did impact the robustness of the surface, it had withstood usage.

Usage by 4WD vehicles was still evident, however owner/occupiers of the land were not excluded by the prohibition and banning of these users would not be considered lawful. The impact of 4WDs during the experimental order period had further compounded the view that (apart from the excepted 4WDs described) these vehicles should continue to be prohibited due to the poor structure of the sub soil.

Officers were recommending that the experimental order be made permanent.

The Committee then heard from a representative from the Green Lane Association. The representative felt that motorists had been represented very unfairly in the presentation provided to the Committee. Whilst it was fair to suggest that the lane did lapse in condition during the winter months, the Association felt that a lot of the damage came about as a result of a lack of maintenance and explained that the route tended to be neglected at times. The Association felt that tractors were the biggest single cause of damage to the lane and felt that some basic maintenance and user restraint at the right time would help alleviate some of the problems that were being encountered. There were many lanes throughout the country in similar conditions to Hexham Lane which remained open.

The Association also explained that they had funds to help with maintenance of the route and always promoted restraint to all its members during bad weather. The Association were disappointed that the photos shown to the Committee had been taken at the worst time of year.

In summing up, the Association felt that it was unfair and unreasonable to blame groups such as the GLASS and the TRF for the actions of a small minority. They felt that a ban would simply serve to punish those who used the byway responsibly and suggested a seasonal ban would be a fairer and better solution. They felt that this would also resolve any issues regarding 'spooked' cattle and usage over winter. The Association spoke of their good relations working with local authorities and cited partnership working with both Essex and Surrey County Councils and suggested that there was no reason why they could not work with Durham in the same way.

The Public Rights of Way Officer explained that the decision required by the Committee was to decide whether or not to make the experimental order permanent. No representations had been made by motor vehicle users in the six month period where objections were invited. Prior to the experimental order, the lane was in a terrible state and all vehicles were banned. In terms of four wheel drive vehicles, it was explained that these were heavier in nature and carried more load on the day.

The Highway Development Manager explained that the Council did consider a seasonal order, referred to by GLASS, however, the area generally suffered from significantly wet ground throughout the year, therefore the idea was dismissed, as it was felt that the surface would be damaged throughout the year. The Highway Development Manager also explained that at present the lane didn't appear in too bad a condition, however, this was due to the

current ban on four wheel drive vehicles. In terms of voluntary restraint it was considered admirable that some did exercise restraint, however there was video evidence of completely unacceptable behaviour that had been viewed.

Councillor Shuttleworth felt that there should be a total prohibition to all vehicles and didn't believe that such areas should be used as 'adventure playgrounds'. Councillor J Shuttleworth would preferred to have seen the experimental order extended for a further year.

Councillor A Gardner thanked the Rights of Way Team for their comprehensive report and fully understood the concerns of the landowners. In light of this Councillor Gardner expressed his support and moved the recommendation detailed in the report.

Councillor Ormerod felt that the recommendation struck the right balance and that the route should be available and reassuring for walkers and horses to use. Councillor Ormerod was in no doubt that four wheel drive vehicles were causing the damage.

Councillor O Milburn asked if landowners used four wheel drive vehicles on the route and if the County Council was responsible for the upkeep. She also queried whether the landowner should contribute towards maintenance and repairs.

The Public Rights of Way Officer informed the Committee that the landowner at the southern end of the route had carried out a considerable amount of work. She was not aware of any maintenance undertaken at the northern section of the route but explained that the landowner was not under any obligation to do so.

Councillor S Dunn explained that he was horrified after seeing the photos contained in the officer's presentation at the damage caused by vehicle use. He felt that people should be allowed to freely walk the route and was happy to second the recommendation. Following on from the point made by Councillor Milburn, Councillor Dunn requested that officers ask the landowner to consider maintenance to the problematic areas and seek some form of contribution.

Councillor P Oliver informed the Committee that he had listened to the comments made and the observations made from the PowerPoint presentation but felt that the route should be open for everyone to use and that by closing the route would lead to other similar routes being closed too. Councillor Oliver also felt that four wheel drive vehicles were being singled out unnecessarily in this case.

One of the landowners had nothing further to add and informed the Committee that his property had suffered as result of use as the surface was rutting up in places. More so, there were also issues of cattle being spooked. The landowner clarified that the only vehicles used by the landowner was those used to service livestock.

Councillor Turnbull informed the Committee that he tended to agree with the comments made by the representative of the GLASS and felt that if the Association had been in dialogue with the Council regarding volunteer labour prior to the issue being considered, why had the information had not been provided to the Committee beforehand.

The Public Rights of Way Officer explained that the issue was greater than any sort of volunteer labour would resolve.

Upon a vote being taken it was

Resolved

That the Committee note the objections made and that the Committee recommend to the Corporate Director of Regeneration and Economic Development that the Experimental Traffic Management Order is made permanent.