

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Shadforth Village Hall, South Side, Shadforth on **Monday 11 June 2018 at 11.00 a.m.**

Present:

Councillor C Kay in the Chair

Members of the Committee:

Councillors G Bleasdale, S Dunn, S Hugill, O Milburn, S Morrison (Vice-Chairman), R Ormerod and M Wilson

1 Apologies

Apologies for absence were received from Councillors D Bell, J Chaplow, J Considine, A Gardner, K Hopper, K Liddell, P Oliver, J Rowlandson, J Shuttleworth, A Simpson and J Turnbull.

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 Various Roads, Bishop Auckland (Eleven Arches) - Traffic Management Order 2018

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an objection received to the Eleven Arches Traffic Management Traffic Regulation Order (for copy see file of Minutes).

The Committee were informed of the background to the project. Eleven Arches launched the "Kynren" open-air live show in July 2016. It operated on most weekends between July and September. One of the planning conditions associated with the event stipulated that Eleven Arches should submit a Traffic Management Plan to the County Council prior to the first show. This document was subsequently given approval by the council. The plan highlighted several key areas on the surrounding highway network that would need to be managed and controlled to maintain road safety and minimise congestion. An Experimental Traffic Regulation Order (ETRO) was introduced in June 2016 to implement the recommendations of the plan.

A proposal was put forward to make the ETRO permanent in 2017. At the time the Committee made two recommendations. Firstly, to amend the times so that the Public

Rights of Way 85 and 86 would be closed between 6 p.m. to midnight and secondly to remove the road closure for unclassified road 34.4 between 6 p.m. and midnight.

The Strategic Traffic Manager explained that as changes were required, the ETRO could not be made permanent at that point. It was therefore proposed that a revised permanent TRO be produced with a view to making the order permanent.

Statutory consultees had been consulted on proposals to introduce a permanent traffic management order to control vehicular and pedestrian traffic associated with the 'Kynren' event. The order contained the amendments recommended by the previous Highways Committee held on 24th July 2017 and the order was formally advertised on site.

One objection to the permanent order had been received. The objection was detailed in three parts.

- disturbance and nuisance caused during the operation of Car Park C;
- the diversion route used during the times the A689 was closed; and
- evidence that the posting of the notices during the formal consultation period was undertaken in compliance with legislation.

In response, the Strategic Traffic Manager informed the Committee that car park C did not form part of the Traffic Regulation Order. The car park had been established with planning consent. Any issues regarding noise could be dealt with by the relevant team within the Council, should any complaints arise. Notices were placed on site at the correct times.

The Committee were informed that the objector had made further comments by email correspondence, prior to the meeting. The email queried where the measurement for the nearest dwelling to Car Park C had been taken from and whether it had been measured to the entrance. The resident also challenged that Durham County Council was not in a position to consider Human Rights and considered that it was for a legal process to determine. The Strategic Traffic Manager confirmed that the measurement, whilst approximate was scaled from an autocad tile of the area in question. The distance quoted was measured from the southern boundary of Car Park C to the northern side of the properties on Newton Grange

In terms of the comments relating to Human Rights, the Solicitor advised that the Human Rights issue detailed in Appendix 1 of the report had been set out appropriately.

In summary, the Strategic Traffic Manager explained that essentially the Council wished to make permanent the TRO. The order had operated well, as had the experimental order.

Councillor S Dunn commented that the order had appeared fit-for-purpose and had operated well. Unclassified road 34.4 had previously been a key issue and it was pleasing to note that it had operated throughout the event without any issues.

Moved by Councillor S Dunn, Seconded by Councillor O Milburn and

Resolved

That Committee set aside all objections and endorse the proposal to proceed with the implementation of the Various Roads, Bishop Auckland (Eleven Arches) Traffic

Management Order 2018, with the final decision to be made by the Corporate Director under delegated powers.

5 Public Bridleway No. 12 and Public Footpaths Nos. 13a, 13b and 14 Shadforth Parish and Public Footpath No. 20 Haswell Parish - Highways Act 1980 - Public Path Diversion, Creation and Extinguishment Orders

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application to divert Public Bridleway No. 12 Shadforth, create Public Footpath No. 20 Haswell, and extinguish Public Footpaths Nos. 13a, 13b and part of 14 Shadforth (for copy see file of Minutes).

The Access and Rights of Way Team Leader explained that the Committee had undertaken a site visit prior to the meeting. A plan had also been circulated that had accompanied the submission by the applicant but was not included in the meeting papers.

The Committee were informed of the background to the application submitted by representatives of the owners of Hill House Farm. The application was to divert Public Bridleway No. 12 away from the vicinity of the farm buildings and intensively used areas, to extinguish some of the duplicate public footpaths, and to provide a new public footpath no.20 Haswell parish to provide a connection for pedestrians into the public footpath network around Ludworth and Haswell. The diversion had been sought in the interests of the landowner who wished to improve biosecurity and public safety at their expanding agricultural business. The legal framework was also outlined to the Committee.

The Committee then listened to representations made by a representative of the British Horse Society (BHS). The representative explained that their organisation would oppose diversions where routes exited onto roads. In this case, the diversion of Bridleway No. 12 would further reduce the overall length of off-road riding routes in the area and decrease the network. There were very few off-road routes in the area and it was considered that local roads in this area were hazardous for equestrians.

The BHS felt that there were alternative options for diverting the bridleway or creating new bridleways and were of the view that the proposed creation of Footpath No. 20 could be a bridleway creation which would ensure the safety of riders away from traffic and improve the network of routes in the area for a more 'joined-up' network.

The BHS also felt that the agricultural need for the proposals had not been clearly made. They were also disappointed that the council had committed resources to conduct a survey some time ago where comments were sought regarding access for horse riders and it appeared as though nothing had ever been progressed.

The representative explained that she had ridden through cattle regularly and considered that this could be done safely, disputing that the area needed to be fenced off. Reference had also been made to resurfacing works taking place to upgrade the surface to a 'better condition', however, it was queried whether the condition would be better for horse riders.

The BHS wished to use roads less because of the dangers involved. It was felt that motorists simply did not slow down, even when vehicles were flagged to do so.

The Committee then listened to representations from the applicant. They explained that the reasoning behind the application had been explained fully in the report but wished to emphasise that Hill House Farm consisted of mixed cattle and livestock and was a hub for cattle and pig operations. The farming operation taking place meant that regular cattle movements took place with an average stock of 12,500-13,500. The applicant explained that the bridgeway in question did pose a significant risk for the public and horse riders and they considered that public could not be at risk from becoming entangled within livestock movements.

The section of the bridgeway from the B1283 to Hill House Farm was regularly used for livestock movements from the south. This track was not suited for a range of users due to very poor visibility both onto the B1283 and along the track itself due to its steep sides, sharp corners and distinct surface issues.

The upgrading of footpath 14 to a bridgeway to meet the existing bridgeway which follows round the east of the quarry would overcome the above mentioned safety concerns. This would be fenced to 4m wide but would be surfaced with stone and details of surfacing to be confirmed with DCC specification, therefore it would be suitable for all users. The diverted route and new works would hopefully see more increased usage in the area and would be safer for the public.

In terms of the security the applicant explained that the close proximity of the current right of way caused significant concern about farm security. In 2014 vehicle tools were stolen. CCTV footage of the incident clearly showed that the right of way had been used to access the property. More recently a set of gates had been stolen. Ultimately, the change to the right of way would be key in making the farm holding more secure.

Councillor O Milburn thanked the officers for organising a site visit prior to the meeting. This had provided a good opportunity to observe key areas of the site.

Councillor S Dunn appreciated why the applicant wished for Bridgeway No. 12 to be routed further away from the farm, for security reasons and was surprised by how close it was located to farming operations. Councillor Dunn accepted that use for horse riders would slightly decrease. However, a strategic route would be resurfaced and would provide for a safe passage to all interconnecting routes.

Councillor Dunn moved the recommendation detailed in the report. In moving the recommendation, Councillor Dunn commented that it was regrettable that the proposal could not be agreed by the British Horse Society, on this occasion.

In seconding the proposal, Councillor S Hugill acknowledged the case put forward by the landowner in terms of the overall farming operation and could fully appreciate why the applicant wanted to secure their property. He added that there would be clear and significant danger to the public who may accidentally become entangled within livestock movements and agreed with the applicant that the only realistic way of overcoming this would be to agree to the proposals contained in the report.

Resolved

That the Committee:

- (i) agrees to the making of a Diversion and Definitive Map and Statement Modification Order under the provisions of Section 119 of the Highways Act 1980, and that the Order shall subsequently be either confirmed or referred to the Secretary of State for determination;
- (ii) agrees to the making of a Creation and Definitive Map and Statement Modification Order under the provisions of Section 26 of the Highways Act 1980, and that the Order shall subsequently be either confirmed or referred to the Secretary of State for determination; and
- (iii) agrees to the making of an Extinguishment and Definitive Map and Statement Modification Order under the provisions of Section 118 of the Highways Act 1980, and that the Order shall subsequently be either confirmed or referred to the Secretary of State for determination.