

# Roads and Rights of Way Committee

Minutes of a meeting held at County Hall, Colliton Park,  
Dorchester on Thursday 6 June 2013

## **Present:-**

David Jones (Chairman)

Daryl Turner (Vice Chairman)

Steve Butler, Beryl Ezzard, Ian Gardner, David Mannings, Margaret Phipps, Peter Richardson and Kate Wheller.

## The following members attended by invitation:

Pauline Batstone, County Council Member for Blackmore Vale (minutes 50 to 52)

Robin Cook, County Council Member for Minster (minutes 59 to 61)

Robert Gould, County Council Member for Sherborne (minutes 56 to 58)

Paul Kimber, County Council Member for Portland Tophill (minutes 65 to 67)

Peter Wharf, County Council Member for Egdon Heath (minutes 53 to 55)

## Officers attending:

Roger Bell (Rights of Way Officer – Definitive Map Team), Andrew Brown (Traffic Engineering Team Manager), Phil Hobson (Rights of Way Officer – Definitive Map Team), Alan Jowsey (Senior Technician), Carol McKay (Rights of Way Officer), Sarah Meggs (Solicitor), Vanessa Penny (Senior Rights of Way Officer – Definitive Map Team) Matthew Piles (Traffic Manager) and Kerry Smyth (Democratic Services Officer).

## Public Speakers:

Mr Wragg, on behalf of Symondsburry Parish Council (minutes 62 to 64)

Mr Tim Clotworthy, on behalf of Portland Stone Firms Ltd (minutes 65 to 67)

## **Apology for absence**

47. An apology for absence was received from Barrie Cooper.

## **Code of Conduct**

48. There were no declarations by members of any disclosable pecuniary interests under the code of conduct.

## **Minutes**

49. The minutes of the meeting held on 7 March 2013 were confirmed and signed.

## **Procedure for Petitions – Petition for permanent means of preventing car parking in Honeymead Lane, adjacent to Yewstock School and opposite Dashwood Close, Sturminster Newton**

50.1 The Committee considered a report by the Director for Environment which outlined the details of a petition received which asked for permanent means of preventing car parking in Honeymead Lane, adjacent to Yewstock School and opposite Dashwood Close, Sturminster Newton.

50.2 The Traffic Engineering Team Manager explained that the petition had been received from Sturminster Newton Town Council and contained 228 signatures. With the aid of a visual presentation the Committee were shown images of Honeymead Lane and Dashwood Close. He explained that Yewstock School did not experience a large volume of school traffic as the majority of students were taken to/from the school in a minibus.

50.3 The County Council Member for Blackmore Vale addressed the Committee as the local member. She explained that the parking problems were not as a result of the school

as the levels were the same regardless of whether the school was in session. Members were advised that a leisure centre was located opposite the school with a large car park which was available for use by school visitors. She explained that without the enforcement of the Highway Code it was likely that the parking would remain and suggested that an 'additional car parking sign' be installed to direct vehicles to the leisure centre car park.

50.4 In response to a question from a member, the Traffic Engineering Team Manager explained that there had been no related accidents as a result of the parking concerns and confirmed that a meeting had been arranged with Dorset Police to discuss a neighbourhood watch scheme. Members of the Committee agreed that the involvement of a safer neighbourhood watch scheme could help with ensuring motorists adhere to the Highway Code.

### **Resolved**

51.1 That the petition be noted.

51.2 That the matter be referred back to Sturminster Newton Town Council with a view to them consulting the safety neighbourhood team.

51.3 That the County Council liaise with Sturminster Newton Town Council and Yewstock School regarding the provision of additional parking signage.

### **Reason for Decision**

52. In order to comply with the County Council's published scheme for responding to petitions and so as to enable local people to connect with local elected decision makers.

### **Procedure for Petitions – Petition requesting Dorset County Council to remove the current 30mph speed limit signage from North Street, Bere Regis and impose a new 20mph speed limit with appropriate signage**

53.1 The Committee considered a report by the Director for Environment which outlined the details of a petition received which requested Dorset County Council to remove the current 30mph speed limit signage from North Street, Bere Regis and impose a new 20mph speed limit with appropriate signage.

53.2 The Traffic Engineering Team Manager explained that the petition had been received by Bere Regis Campaigners Actioning Road Safety. With the aid of a visual presentation he advised that the road was only used by local residents and for access to the sports club, it was not a through road.

53.3 The County Council Member for Egdon Heath addressed the Committee as the local member. He explained that he had signed up to the Campaigners Actioning Road Safety Group and supported 20mph speed limits where appropriate. He advised members that he was currently involved in a review of all highways issues within the Egdon Heath division. He urged members of the Committee to support the request for a lower speed limit and suggested that it could be considered as part of the area review.

53.4 In response to a question from a member, the Traffic Engineering Team Manager explained that there had been no reported accidents and no reports of complaints concerning excessive speed.

53.5 Members were advised that the County Council policy for 20mph speed limits was currently being reviewed and updated and that there was significant financial pressure on a limited budget.

53.6 The Committee discussed the request at length and agreed that it would be helpful for officers to carry out some investigations, in consultation with the local member, into possible options for speed reduction.

#### **Resolved**

54.1 That the petition be noted.

54.2 That pending the review of the 20mph speed limits policy and in consultation with the local member, officers investigate the possible options for speed reduction at North Street, Bere Regis.

#### **Reason for Decision**

55. In order to comply with the County Council's published scheme for responding to petitions and so as to enable local people to connect with local elected decision makers.

### **Proposed Waiting Restrictions – Castle Road, Sherborne**

56.1 The Committee considered a report by the Director for Environment which outlined the letters of objection received as a result of the public advertisement of the proposal to extend the existing 'No waiting at any time' restriction in Castle Road, Sherborne.

56.2 With the aid of a visual presentation, the Traffic Engineering Team Manager explained that the proposal had been requested by Sherborne Town Council in order to improve visibility and traffic flow near the junction with Castle Town Way. He confirmed that Sherborne Town Council, West Dorset District Council and Dorset Police supported the proposal. Three letters of objection from local residents had been received on the grounds of concern in increased traffic flow and concerns over a reduction in residential parking.

56.3 The County Council Member for Sherborne addressed the Committee as the local member. He explained that the proposal would provide a modest and worthwhile improvement to the road and would improve safety. He further explained that the proposal would extend the parking restrictions along a blind corner and residential parking would be unaffected particularly as the majority of residents had off street parking in the form of a driveway and/or garage. He urged members of the Committee to support the proposal.

#### **Recommended**

57. That the Cabinet agree that the Order for the waiting restriction proposals in Castle Road, Sherborne be introduced as advertised.

#### **Reasons for Recommendation**

58.1 For avoiding danger to persons or other traffic using the roads, or any other road, and for preventing the likelihood of any such danger arising.

58.2 For facilitating the passage on the road, or any other road, of any class of traffic (including foot passengers) or of vehicles.

### **Proposed Waiting Restrictions – Various Roads, Wimborne**

59.1 The Committee considered a report by the Director for Environment which outlined details of the objections received in response to proposals for waiting restrictions in various roads in the Wimborne area.

59.2 With the aid of a visual presentation, the Traffic Engineering Team Manager went through each proposal in turn and explained the detail to members. He confirmed that Dorset Police, East Dorset District Council and Wimborne Town Council were all supportive of the proposals. However, following public advertisement 29 objections had been received. Members were provided with details of the nature of the objections and the proposals they related to.

59.3 The County Council Member for Minster addressed the Committee as the local member. He confirmed that in principle he agreed with the proposals as set out in the report, however he asked members to consider putting a hold on the proposals for New Borough so that a more detailed investigation could be carried out in the area.

59.4 In response to a question from a member, the Solicitor explained that changes could be made to the proposals as long as they were not substantial.

59.5 Members of the Committee discussed the proposals at length and thanked the County Council Member for Minster for his input and noted his request. The Traffic Engineering Manager explained that there were serious safety concerns at New Borough due to the current parking on the south side of the road preventing access to emergency vehicles.

### **Recommended**

60. That having considered the objections received, the Cabinet approve the Order for the proposed waiting restrictions in Wimborne to be introduced as advertised apart from the following amendments:

- The proposed restrictions on the west side of Byron Road outside nos. 1 to 7 be omitted.
- The existing restrictions on the north side of Leigh Road outside nos.73 to 99 remain as No Waiting 8am to 6pm.

### **Reasons for Recommendation**

61.1 For avoiding danger to persons or other traffic using the roads, or any other road, and for preventing the likelihood of any such danger arising.

61.2 For facilitating the passage on the road, or any other road, of any class of traffic (including foot passengers) or of vehicles.

61.3 For preserving or improving the amenities of the area through which the road runs, thereby linking to the corporate aim to 'safeguard and enhance Dorset's unique environment and support our local economy'.

### **Applications for the reorganisation of public paths at Highlands End Farm, Symondsburry**

62.1 The Committee considered a report by the Director for Environment asking them to consider applications to divert Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry, to extinguish Bridleway 29, Symondsburry, and to create a footpath at Highlands End Farm, Symondsburry.

62.2 With the aid of a visual presentation, the Rights of Way Officer provided a description of the routes and the notable points along them. She explained that the reorganisation sought to divert a footpath which currently crossed the A35 and posed significant risks for walkers, and to divert, extinguish and create several other rights of way to improve land management and rationalise the network of paths at Highlands End Farm. She explained that a number of objections had been received in response to the consultation and these were detailed within the Director's report.

62.3 Mr Wragg, representing Symondsburry Parish Council, addressed the Committee and confirmed that Symondsburry Parish Council was fully supportive of the applications for the reorganisation.

62.4 Members of the Committee were informed that the applications to reorganise the public paths met the tests set out under the Highways Act 1980 and therefore the applications should be accepted and the orders made.

**Resolved**

- 63.1 That the applications to:
- (i) Divert Footpaths 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry;
  - (ii) Extinguish Bridleway 29, Symondsburry; and
  - (iii) Create a footpath at Symondsburry as shown on Drawing 12/34/2 (attached as Appendix 1)
- be accepted and the orders made;
- 63.2 That the Orders include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions, extinguishment and creation.
- 63.3 That if the Orders are unopposed, or if any objections are withdrawn, they be confirmed by the County Council without further reference to the Chairman.

**Reasons for Decision**

- 64.1 The proposed diversions, extinguishment and creation meet the legal criteria as required by the Highways Act 1980.
- 64.2 The inclusion of these provisions in a public path order meant that there was no need for a separate legal event order to modify the definitive map and statement as a result of the diversions, extinguishment and creation.
- 64.3 Accordingly, the absence of objections may be taken as acceptance that the applications were expedient and therefore the County Council could itself confirm the orders.

**Application for a public path order to stop up Footpath 34, Portland at Perryfield Quarries**

65.1 The Committee considered a report by the Director for Environment asking them to consider an application to stop up Footpath 34, Portland at Perryfield Quarries.

65.2 With the aid of a visual presentation, the Rights of Way Officer provided a description of the route. She explained that the application had been made by Portland Stone Firms Ltd and the proposed stopping up was necessary to enable the development of the quarry to take place.

65.3 Members were advised that two objections had been received in response to the consultation on the grounds that the Footpath was in frequent use. The Rights of Way Officer explained that objections on the grounds of use were not relevant to a proposed stopping up under the Town and Country Planning Act 1990. She confirmed that the application met all the tests set out under the Act.

65.4 The County Council Member for Portland Tophill addressed the Committee as the local member. He explained that he was opposed to the stopping up of the path and confirmed that the Footpath provided a critical link for members of the Easton community to access the local shops and amenities. He explained that the route was unique with dry stone feature walls and unique soil. He felt that the stopping up would be at significant loss to the community and urged the Committee to oppose the Order.

65.5 The Solicitor explained that this was an application to be considered under the Town and Country Planning Act 1990 and under the legal tests it had to be considered whether the stopping up was necessary in order for development to take place. Use of the route and its features were not relevant when considering the application.

65.6 Mr Clotworthy, Estates Manager for Portland Stone Firms Ltd, addressed the Committee. He explained that the stopping up was necessary in order to continue with the

development of the quarry at the site. He advised that a permissive route would be provided around the edge of the quarry and explained that there were two other footpaths nearby available for use.

65.7 In response to a question from a member, the Rights of Way Officer explained that she was unaware that a permissive route would be made available. She explained that a separate application to either stop up or divert two additional footpaths (Footpaths 35 and 125) would be considered at a different time. Members of the Committee agreed that there was a need to progress with the additional application for Footpaths 35 and 125 with a matter of urgency in order to provide members of the community with alternative access.

#### **Resolved**

66.1 That the application to stop up Footpath 34 Portland as shown A-B on Drawing 12/31 be accepted and an order made;

66.2 That the Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the stopping up;

66.3 That If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Chairman.

#### **Reasons for Decision**

67.1 The proposed stopping up met the legal criteria as required by the Town and Country Planning Act 1990.

67.2 The inclusion of these provisions in a public path order meant that there was no need for a separate legal event order to modify the definitive map and statement as a result of the stopping up.

67.3 Accordingly, the absence of objections may be taken as acceptance that the application was expedient and therefore the County Council could itself confirm the order.

#### **Application for a definitive map and statement modification order to upgrade Bridleway 1, Bincombe to byway open to all traffic (part of the South West Coast Path National Trail)**

68.1 The Committee considered a report by the Director for Environment which examined the evidence relating to the status of Bridleway 1, Bincombe (part of the South West Coast Path National Trail).

68.2 With the aid of a visual presentation, the Rights of Way Officer provided a description of the route and the notable points along it. He explained that one submission had been received in response to the application in 2005 and 34 further letters, of which were nine letters of objection, had been received in response to the consultation in 2012.

68.3 Members were advised that the most significant pieces of documentary evidence were the 1827 Bincombe Inclosure Award (and its accompanying map), which depicted the claimed route throughout its length as shown A to G on Drawing 12/43/1 attached to the Director's report and the extracts from the 1864 Dorchester Highway Board Minutes.

68.4 The Rights of Way Officer explained that the Inclosure Award described the route as a private carriage road and public halterway and footpath and after analysis of the document it was reasonable to assume that at this time the public rights were restricted to horse and foot and did not include any public vehicular rights. He explained that the Dorchester Highway Board Minutes did not support the suggestion that any additional rights had been subsequently dedicated and that only one written user evidence form had been submitted, which did not satisfy the qualifying period of 20 or more years use of the way.

68.5 Members of the Committee discussed the application and agreed that on balance the evidence showed that the claimed right of way did not subsist nor could be reasonably alleged to subsist.

**Resolved**

69. That the application be refused.

**Reason for Decision**

70. That the available evidence showed, on balance, that the claimed right of way did not subsist nor could be reasonably alleged to subsist.

**The Dorset County Council (Upgrading Part of Bridleway 10, Owermoigne to Restricted Byway) Definitive Map and Statement Modification Order 2012**

71.1 The Committee considered a report by the Director for Environment which sought members' opinion on the position to be adopted by the County Council on the submission of the Dorset County Council (Upgrading Part of Bridleway 10, Owermoigne to Restricted Byway) Definitive Map and Statement Modification Order to the Secretary of State following the receipt of objections.

71.2 The Rights of Way Officer explained that the application had first been considered by the Roads and Rights of Way Committee on 16 January 2012 when the decision was made to refuse the application. The applicant had subsequently appealed against the decision and as a result the County Council had been directed to make an order to modify the definitive map and statement to record a restricted byway over the eastern part of the route as shown A-B-C-D on the Order plan.

71.3 Members were informed that six objections to the Order had been received following the public notice of making the Order, and as a result, the County Council was unable to confirm the Order itself and was required to submit it to the Secretary of State for confirmation.

71.4 The Rights of Way Officer explained that there were three options available to the County Council; oppose the order (maintaining the position of the County Council to date); support the order; or take a neutral stance. Members were advised that if the County Council took a neutral stance, copies of all correspondence relating to the case would be submitted for consideration without the need for taking part in any public inquiry. This would significantly reduce any financial costs and progress the matter more swiftly.

**Resolved**

72.1 That the Order be submitted to the Secretary of State for determination; and

72.2 That the County Council take a neutral stance in the proceedings.

**Reasons for Decision**

73.1 There had been several objections to the Order and therefore the County Council must submit it to the Secretary of State for confirmation.

73.2 Continued investment of public resources relating to this matter was not considered to be in the public interest.

**Questions**

74. No questions were asked by members under Standing Order 20(2).

Meeting duration: 1.45pm to 3.45pm