



## Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,  
Dorchester, DT1 1XJ on Thursday, 12 July 2018

**Present:**

David Jones (Chairman)

Margaret Phipps, Jon Andrews, Ray Bryan, Jean Dunseith, Katharine Garcia, Jon Orrell and David Shortell.

Members Attending

Daryl Turner, Cabinet Member for Natural and Built Environment.

Officer Attending: Andrew Bradley (Project Engineer (Democratic)), Simon Butler (Project Team Manager), Phil Crowther (Senior Solicitor), Carol McKay (Senior Definitive Map Officer), Vanessa Penny (Regulation Team Leader) and Helen Whitby (Senior Democratic Services Officer).

(Notes: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Thursday, 16 August 2018.**)

**Apology for Absence**

29 An apology was received from Councillor Keith Day.

**Code of Conduct**

30 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

**Minutes**

31 The minutes of the meeting held on 14 June 2018 were confirmed and signed.

**Public Participation**

32 Public Speaking

There were public statements received at the meeting in accordance with Standing Order 21(1). The statements are attached in Annexure 1 to these minutes.

There were no public questions received at the meeting in accordance with Standing Order 21(2).

Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

**Proposed Zebra Crossing, Dorchester Road, Upton**

33 The Committee considered a report by the Service Director Highways and Emergency Planning on a proposed zebra crossing on Dorchester Road, Upton.

The Project Engineer (Democratic) provided a presentation and detailed introduction to the proposal, including photographs of all aspects of its location. The crossing had been requested by the Town Council and Local County Councillor because of concerns for the safety of pedestrians and particularly of children going to the Infant and Junior Schools. The site did meet the County Council's policy for a zebra crossing and was supported by all primary consultees. During the design stage the Methodist Chapel had raised an objection due to them being unable to park a hearse

on zig zag lines for funerals. The zig zag lines were subsequently changed to double yellow lines to facilitate this. No further objection had been received from them. The proposal had been advertised and there had been three objections from residents living in the immediate vicinity relating to them not being able to park outside their houses and light pollution. Photographs illustrated the off-road parking available for residents, the short walking distance to available on road parking and that light pollution could be addressed retrospectively by the fitting of hoods if necessary. In summary the crossing would provide a safe crossing point, particularly for children walking to and from school, there was negligible impact on residents' amenity, and the crossing should be implemented as advertised.

A statement from Mr Baker, owner of a property adjacent to the proposed location of the zebra crossing, setting out his concerns was read out. This is attached in Annexure 1 to these minutes.

A statement from the Local Member for Lychett Minster and Upton, Councillor Bill Pipe, in support of the proposal was read out. This is attached in Annexure 1 to these minutes.

In response to members' questions it was explained that the zebra crossing was off centre from the passageway in order to reduce the risk of children running out onto the crossing; the parking of a hearse on the double yellow lines met statutory guidance and would be infrequent and mostly not at school start and end times; drivers approaching the crossing would be at low speed and taking due care; because the crossing was uncontrolled drivers needed to be alerted to its position; it was not national practice for crossing lights to be intermittent or only when someone was waiting to cross; the hearse could be unloaded and loaded on double yellow lines but would be expected to move to a safe distance after unloading and before returning later; double yellow lines would not restrict access; a "no loading or unloading" restriction could be considered at a later date if it were to become a problem; the disabled would be able to park on the double yellow lines and there was ample on street parking nearby on Dorchester Road; normally in lower speed areas a zebra crossing was preferred to a controlled crossing; and the fitting of hoods to reduce light pollution could be considered at a later date if appropriate.

Members then discussed the proposal in detail. Whilst recognising that a zebra crossing would increase safety in some respects, there was still concern for pedestrian safety during times when a hearse was parked on the double yellow lines. Members also remained concerned about light pollution when other types of crossing would reduce this and they suggested that the hoods should be there from the outset. They asked whether cost had played any part in proposing a zebra crossing and whether all avenues had been explored. In view of the concerns, it was proposed and seconded that a decision be deferred.

The Project Team Manager addressed members' concerns: a zebra crossing was considered far more appropriate in an urban situation as this gave pedestrians the immediate right to cross the road without waiting for a signal controlled crossing; the hearse was currently parking on the road for funerals; the hearse would be parked to the west of the zebra crossing on the downstream side and not affect driver visibility of people crossing the road; hoods could be fitted from the outset but this was not standard practice; and there had been no recorded accidents in the area over the last five years. Any change to the proposed design would mean a re-negotiation with the Methodist Chapel.

The Chairman's view was that under normal circumstances a zebra crossing was perfectly adequate: unless a funeral coincided with school opening or closing times there was no cause for concern about child safety; the hearse currently parked outside the Methodist Chapel for funerals; lights to be fitted could only be seen clearly

on the crossing's approach and assurance was given that hoods could be fitted if necessary at a later date to ameliorate light pollution; and the proposal would enhance the safety of children. Whilst understanding the concerns raised, he could see no reason for the proposal to be refused and he did not support deferral.

Having discussed the proposal various opinions were expressed both in favour and against. On putting the deferral to the vote members

**Resolved**

1. That a decision to recommend the Cabinet to approve the provision of a zebra crossing as advertised be deferred.
2. That officers provide a further report taking into consideration the parking situation with regard to the use of zig zag lines, car parking for the hearse, and amelioration measures for light pollution and the possible inclusion of a pelican or zebra crossing.

**Application for a definitive map and statement modification order to add a Restricted Byway from Catherine's Well to Hilton Road, Milton Abbas**

34 The Committee considered a report by the Regulation Team Leader on an application for a definitive map and statement modification order to add a restricted bridleway from Catherine's Well to Hilton Road, Milton Abbas.

The Regulation Team Leader provided a presentation and detailed explanation of the application, including photographs of the actual route and signage. She also summarised the documentary evidence considered and the user evidence in support of the application, which would give the public rights of access on foot, horseback and bicycle but not for mechanically propelled vehicles.

Mr Brockway (a resident of Milton Abbas), Mr Ives (Chairman of Milton Abbas Parish Council) and Mrs Schoopman (The British Horse Society's County Bridleways Officer) all spoke in support of the application. Their summary statements are attached in Annexure 1 to these minutes.

A statement from the Local Member for Winteborne, Councillor Hilary Cox, was read out in support of the application. This is attached in Annexure 1 to these minutes.

In response to members' questions, it was explained that use of a restricted bridleway by mobility scooters and the disabled was permitted, finger posts would show the route as a restricted byway, use by motor bikes would be prohibited, and signs would explain the permissions on the route.

**Resolved** (Unanimously)

That

- (a) An order be made to modify the definitive map and statement of rights of way to record the route from Catherine's Well to Hilton Road as shown A1-A3-B-B1-C-D on Drawing 14/21/2 as a restricted byway; and
- (b) If the order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.

**Determination of Applications to Modify the Definitive Map and Statement of Rights of Way to Record Byways Open to All Traffic following the Supreme Court Ruling**

35 The Committee considered a report by the Senior Definitive Map Officer on determination of applications to modify the Definitive Map and Statement of Rights of Way to record Byways Open to All Traffic (BOAT) following a recent Supreme Court ruling. Members had been sent an update sheet attached as Annexure 2 to these minutes.

It was explained that the Committee needed to revisit a decision to refuse five applications for BOATs taken on 7 October 2010 following a Judicial Review and

subsequent Supreme Court ruling. It was now recommended that the five applications be accepted and investigated and that any further applications currently on hold be investigated too.

**Resolved** (Unanimous)

That the following applications all be accepted and investigated:

(a)

- (i) byway open to all traffic at Bailey Drove, Batcombe/Leigh;
- (ii) upgrade Bridleway 8 (part) Cheselbourne and Bridleway 18, Dewlish to byway open to all traffic (Doles Hill Plantation east to Chebbard Gate);
- (iii) upgrade Bridleway 12, Tarrant Gunville to byway open to all traffic and add an unclassified road in Chettle as byway open to all traffic (one continuous route);
- (iv) upgrade Bridleway 14, Beaminster to byway open to all traffic (Meerhay to Beaminster Down); and
- (v) upgrade Bridleways 17 and 35 to byway open to all traffic and to add unclassified road as byway open to all traffic (one continuous route - Crabbs Barn Lane). And

(b)

That for all other pre 20 January 2005 applications for byways open to all traffic where the County Council had already made a decision the County Council's stance in any further local inquiry or other process be as originally intended and unchanged by the Committee's decision on 7 October 2010.

**Questions from County Councillors**

36 There were no questions raised by members under Standing Order 20(2).

Meeting Duration: 10.00 am - 11.20 am

## Public Statements

### **Agenda Item 5 - Proposed Zebra Crossing Dorchester Road, Upton**

#### 1. Statement from Steven Baker, Resident of Upton

If the zebra crossing does go ahead I have three points I would like to raise.

- 1: I do not want the zebra crossing directly outside my property. It will hamper access to my drive and may become hazardous to pedestrians.
- 2: I would be happier if the crossing was moved adjacent to my property in line with the alleyway. It is a small distance but will make a huge difference.
- 3: I have great concerns regarding the flashing lights keeping us up at night as they will be continuously on.

Please can my concerns be account acted upon.

### **Agenda Item 6 - Application for Definitive Map and statement modification order to add a restricted byway from Catherine's Well to Hilton Road, Milton Abbas**

#### 1. Statement from Nelson Brockway, resident of Milton Abbas

I have lived in Milton Abbas all my life and for the past 51 years I have used the track daily to walk to work, the same as my Mother did before me. If access was denied a car would have to be used.

In my youth the track was a vital means of access for farm workers and Abbey employees for the residents in Catherine's well.

We must keep the track open to the public, not only for commuting, but also for walking and horse riding for existing/future parishioners to gain access to the Abbey grounds, St Catherine's Chapel.

#### 2. Statement from Thomas Ives, Chairman, Milton Abbas Parish Council

Milton Abbas because of geography is split. The Historic Street, Catherine's Well, together with individual residences. The "Track" provides a vital means for all parishioners (walking and horse riders) to gain access to all parts of the village including the Abbey grounds, St Catherine's Chapel, woods, Farm shop etc. History shows this track has been used for hundreds of years by parishioners and public. Hence this definitive map modification is fully supported by the Parish Council.

#### 3. Statement from Carol Shoopman, County Bridleways Officer for Dorset

The Application for a DMMO was lodged with DCC with the correct documentation in Sept 2009.

It has taken almost 9 years for this to be investigated (legally it should have been 1 year). The fingerposts indicated in the Report (p 7) are not on the route itself but at A2 on the map indicating a permissive footpath into Jane's Wood (not shown). The only notices along the route were designed and erected by Mr Burdett-Clark just after he purchased 9 acres of land including the track. Photographs of these have not been included in the report.

## Local Member Statements

### **Agenda Item 5 - Proposed Zebra Crossing Dorchester Road, Upton**

#### Statement from Councillor Bill Pipe, County Councillor for Lytchett Minster & Upton Division, Dorset County Council

The Zebra crossing proposed for Dorchester Road in my Division has been a long time coming.

I started campaigning for this over three years ago. It has passed all the DCC "tests" and scores highly. As the then chair of governors at Upton Junior school, I garnered the support of both the Junior & Infant Schools, many hundreds of parents and children alike and all of the elected members for Lytchett Minster & Upton.

It is very much needed, particularly when the by-pass is closed and the Borough of Poole randomly decide to close any of the Poole Bridges.

The objections to a very small degree are legitimate, but I believe that these objections will fade in time once the crossing is established and we will all wonder what all the fuss was about.

I therefore urge your members to vote in favour of the Zebra Crossing and make Lytchett Minster & Upton a safer town; one in which our school children & elderly can cross the road in safety.

### **Agenda Item 6 - Application for Definitive Map and statement modification order to add a restricted byway from Catherine's Well to Hilton Road, Milton Abbas**

#### Statement from Councillor Hilary Cox, County Councillor for Winterborne

I have read the report which I think is very comprehensive and reflects the situation accurately

My husband and his parents who lived in St Catherine s House certainly considered that the track was private. This was reflected in the granting of permissive rights for the village Walks and access to Jane's Wood. The sales of various pieces of land / property along the track include rights of access over the track which would not be necessary were it a public highway

However no barriers or notices were ever put up until recently. Mr & Mrs Cox Snr didn't make a habit of challenging anyone using the track although they did get annoyed when vehicles used it Nothing was done to prevent such vehicles using the track

It is established there has been unhindered usage for a very long time, obviously well used by the Abbey Estate pre 1933, not much used perhaps until the post war development of houses at St Catherine's Well and most importantly was not recorded as a Right of Way by the Parish Council when such mapping became a legal necessity

It has never been repaired by the Highway Authority, what maintenance has been done has always been at the expense of the 'landowners '

Had this claim been made for a Bridleway I'm sure life would have been much easier. The track is simply not suitable for heavy regular use by vehicles.

A restricted Byway.