

Minutes of the Rights of Way Committee Meeting held on Monday 10 October 2016 at 10:00 am in the Elisabeth Room, Endeavour House, Ipswich.

Present: Councillors Gary Green (Chairman), Peter Byatt, Terry Clements, Bill Mountford, Graham Newman, Keith Patience, Bill Quinton, John Sayers and David Wood.

Also present: Councillor Trevor Sheldrick (Agenda Item 09), Councillor James Finch (Agenda Item 08) and Councillor Jane Storey (Agenda item 10)

Supporting officers present: Helen Taber-French (Democratic Services Officer), Peter Bradfield (Definitive Map Officer), Steve Boor (West Area Highways Manager), David Stiff (Central Area Highways Manager) and Malcolm King (Area Engineer).

1. Election of Vice-Chairman

On the proposition of Councillor Terry Clements, seconded by Councillor Graham Newman, it was agreed that Councillor Nick Barber be elected as the Vice-Chairman for the 2016-2017 Municipal Year.

2. Apologies for Absence and Substitutions

Apologies for Absence were received from Councillor Nick Barber, Councillor Chris Punt, Councillor Julian Flood, Councillor Robert Whiting and Councillor Helen Armitage who was substituted by Councillor Peter Byatt.

3. Declarations of Interest and Dispensations

There was no declarations of interests or dispensations.

4. Minutes of the Previous Meeting

The minutes of the meeting on 16 June 2016 were confirmed as a correct record and signed by the Chairman.

5. Claimed Public Footpath linking Restricted Byway 54, Hollesley and the junction of Public Footpaths 3 and 4, Hollesley

The Committee considered a report at agenda item 5 from the Director of Resource Management regarding a formal application for a claimed footpath between Restricted Byway 54, Hollesley and the junction of Public Footpaths 3 and 4, Hollesley, between points A-B-C-D-E-F-G-H as depicted on the map 2 attached to the report.

Ms Harriet Cullin was invited to address the Committee as an objector to the officer's proposal. Ms Cullin wished to convey the feelings of the residents who objected to the loss of the footpath. She commented that despite the user evidence provided, which expanded across four generations, the proposal was to reject the formal application. In respect of the user evidence Ms Cullin commented that there had been no mention of a locked gates, private signs, or confrontations. Ms Cullin advised the Committee that she had walked the route regularly since 1993 with her partner, children, and grandchildren. She added that her partner had even greater knowledge about the route but was unable to attend the meeting today. Ms Cullin explained that the route was well used and it was probable that there was even earlier user evidence available. The Committee heard that the route was used for people getting to work and those avoiding having to go the long way around in order to get to where they wanted to go. Ms Cullin commented that older residents felt that their evidence was not being respected, and who claimed that the route had been used in 1930s. Ms Cullin advised the Committee that users always respected the route, there was no damage or littering. She referred to the 1997 Highways Act 1980 s31(6) deposit, which had caused some confusion among residents, but acknowledged that this was pivotal in this case. Ms Cullin recognised that because of the 1997 deposit the Parish Council had to identify 20 years of user evidence prior to 1997. Ms Cullin commented that the current landowners, Mr and Mrs Hardwick, had not submitted a subsequent deposit. Ms Cullin advised the Committee that the claimed route was not just another footpath. It was an accessible route, and provided a range of beautiful flora and fauna and encouraged children to explore wildlife in the woods.

Mr Andrew Pym was invited to address the Committee as the representative of the landowners, Mr and Mrs Hardwick, who supported the officer's proposal. The Committee received an additional copy of the 1973 Ordnance Survey (OS) map. Mr Pym referred to the 1973 OS map, and commented that whilst this did not define the status of routes, it did recognise physical features of the land. He explained that in this case the 1973 OS map did not show any features of a track along the claimed route, nor a crossing over the ditch, the fishponds, or the sand pit. Mr Pym referred to question 5 on the User Evidence Form, which asked if the route had always followed the line as described. Mr Pym advised the Committee that many users claimed to have used the route from 1972 or before, which they claimed to have remained unchanged or stayed more or less the same. Mr Pym explained that users were also asked if the route had been changed to describe the changes. One user claimed that the route had changed prior to 1982 by going around the field. Mr Pym commented that the officer had explained that the user evidence had to support the claimed route. However, he commented that no-one had mentioned the recent changes to the route such as the fish ponds, sand-pit, the creation of the event course nor the provision of two ditch crossings, all of which would have affected the claimed route. Mr Pym explained that the route was not useable before the course was constructed from 1982, and that the owners provided information about the nature of the route since 1960, regarding the scrub and boggy nature of the ground. Mr Pym informed Committee that the route was used for equestrian events, the largest event being the British Eventing Horse Trails. He explained that the route was marshalled for the safety of riders and spectators, and that the public were excluded. Mr Pym concluded that it was clear that had been no intention to dedicate any part the

route as a public right of way, which was reinforced by the declarations made by the Leggett family for all their land in 1997. Therefore, he urged the Committee to reject the application.

Mr Tom Daly was invited to address the Committee as the applicant and on behalf of Hollesley Parish Council. Mr Daly referred to the user evidence in the report and advised the Committee that some of that parishioners were in attendance in the public gallery. Mr Daly commented that the Bluebell Wood/ Black Ditch route provided a delightful walk through the woods, particularly when the bluebell bloomed, and contributed to the quality of life for the villagers. He referred to the user evidence which dated back to 1938. He acknowledged the criteria for 20 years use and commented that 44 parishioners had claimed to use the route in the 50s and 60s. Mr Daly acknowledged that the 1997 deposit had been considered to outweigh the user evidence. However, he questioned if the landowners believed there to be a problem for the public using the route, then why had they not renewed the statutory declaration since 2009. Mr Daly commented that the user evidence supporting the route was compelling. As the Hollesley Parish Council Footpath Officer, Mr Daly supported the continued use of the route including the educational value and general enjoyment. He urged the Committee to support the formal application.

Decision: The Committee agreed, by majority, to uphold the formal application for the claimed route A-B-C-D-E-F-G-H as depicted on the map 2 of the report.

Reason for decision: The Committee considered the user evidence to be sufficient to support the existence of public rights and therefore decided that a definitive map modification order should be made to add the claimed route A-B-C-D-E-F-G-H to the definitive map as a public footpath.

Alternative options: The Committee did not accept the officer's recommendation.

Declarations of interest: None declared.

Dispensations: None reported.

6. Consideration of Objection to Waiting Restriction, Westley Road, Bury St Edmunds

The Committee considered a report at agenda item 6 from the Director of Resource Management regarding an objection to the advertised Traffic Regulation Order for the prohibition of waiting along parts of Westley Road, Bury St Edmunds.

The Committee was advised that while Local County Councillor David Nettleton had objected to the proposal, Local County Councillor Mark Ereira was in support.

Councillor David Nettleton was invited to address the Committee as one of the Local County Councillors, and the objector to the proposal. Councillor Nettleton commented that the report stated that there was no evidence that the local residents and wider community objected to the proposed waiting restrictions. However, he advised the Committee that the officers did not seek the comments from residents from the wider community, therefore an assumption had been made that there were no objections. Councillor Nettleton advised the Committee that on this basis he circulated a leaflet to residents on Westley Road and nearby

roads in relation to the proposal. The Committee heard that Councillor Nettleton had received 50 responses, 5 supporting the recommendation, 3 lived in the immediate area of the proposal and 41 objected to the officer's proposal. Councillor Nettleton advised the Committee that residents on Westley Road had shown concerns about cars parked on the road, and the 41 objectors were concerned with cars being parked further up Westley Road and nearby streets. He commented that these residents should have had the opportunity to comment. Councillor Nettleton suggested that the TRO should consider restricted times such as 11am-1pm, then college students could not park there. In addition, he commented that further consideration should be given to St Andrew's car park, particularly the Monday to Friday short stay section. College students could use this, plus it was closer to the college than the train station. Councillor Nettleton acknowledged that costs might need to be negotiated with the college for a possible student deal. Furthermore, Councillor Nettleton advised the Committee that following the distribution of his leaflet, fellow Local County Councillor Mark Ereira was now opposed to the officer's proposal.

In response to Councillor questions, Councillor Nettleton commented that in respect of changing the time restrictions to 11am-1pm to act as deterrent and prevent student parking, the officers did not consider this as a sufficient option. He added that he could not understand why double yellow were not being introduced since the residents had off-street parking. Councillor Nettleton referred to his leaflet and advised the Committee that he had been advised to collate the findings himself. He reiterated that some comments were within the TRO zone, and those objecting were concerned with proposal as it is. He added that Councillor Mark Ereira contacted him after receiving the leaflet. Councillor confirmed that St Edmundsbury Borough Council owned St Andrew's car park.

Mr Trevor Brett was invited to address the Committee as a supporter of the officer's proposal. Mr Brett advised the Committee that he lived at 32 Westley Road and had raised concerns about the parked cars to officers in 2014. Mr Brett advised the Committee that cars were regularly parked close to the entrance of his property from 9am to 5pm, Monday to Friday. He explained that when leaving his property, the parked cars obstructed his view of oncoming vehicles, and that this was a similar problem for those leaving Rigsbygate sports club. He advised the Committee that when reversing out of his drive, he had to reverse to the centre line on the road, to gain a better view of oncoming vehicles on Westley Road, as well as those vehicles turning left. Mr Brett added that this section of the road was on a slight bend. Mr Brett provided additional photographs showing how cars were parked near his property, these photographs were circulated around the Committee. Mr Brett advised the Committee that he had started to put notices on the cars. He had also been in contact with Councillor Mark Ereira asking for help for yellow lines. An email was sent to Highways for action. Mr Brett advised the Committee that he continued to make notes and take photographs of badly parked cars, as illustrated in photographs 6-7. On this occasion Mr Brett called the police and a parking ticket was placed on the car. The car remained in place the whole day and prevented Mr Brett using his own car. Mr Brett advised the Committee that Highways recognised the need for lines to be in place. The sports club also agreed that there was a need to clear the road and to allow cars to flow freely. Mr Brett referred to photograph 11, which showed a car pulling out of Blenheim Close into

the path of an oncoming vehicle on Westley Road. He advised the Committee that on this occasion there was no collision. On the same day Mr Brett noted a van parked on the path, as shown in photograph 12. Mr Brett advised the Committee that he heard cars horns throughout the day and had also seen car wing mirrors laying in the road. Therefore, he supported the proposal for yellow lines on this section of the route, especially since the residents had off street parking.

In response to Councillor questions, Mr Brett commented that he supported having yellow lines or white line H protection markers, and that this would resolve the current parking problems. With regards to the time restrictions, he added that evenings did not present any problems.

The officer addressed the Committee and explained that the report set out the area in which the consultation was carried adding that there must be a cut-off point. In respect of Councillor Nettleton's leaflet, the officer advised the Committee that any TRO implemented must comply with Suffolk County Council policies and road safety policies. Parking permit for this area was not financially viable, since many residents had off-street parking.

Decision: The Committee agreed, by majority,

- a) to defer making a recommendation to the Cabinet Member, to a future Rights of Way Committee meeting, to enable the officers to undertake further discussions with local residents and the local County Councillors on the proposed TRO.
- b) that the officers return to the Rights of Way Committee with plans for an Experimental Traffic Regulation Order to enable officers to assess the potential impact of the advertised TRO.

Reason for decision: The Committee acknowledged the comments from the Local County Councillor and the local resident. While, the Committee recognised the problems parked cars were causing along Westley Road within the TRO Zone, concerns were raised about the potential displacement of parked cars, the proposed TRO would cause, to nearby side roads. Furthermore, having heard the responses to the Local County Councillor's leaflet, and the change of position of Local County Councillor Ereira. The Committee felt that further discussions should take place with local residents and the local County Councillors on the proposed TRO. The Committee felt that it was important to ensure that the TRO implemented was right first time. The Committee recognised that college students and staff also parked along Westley Road and felt that whilst this should be discouraged, there was a need to balance this with the aim of encouraging student attendance at college. The Committee felt that an experimental order would enable officers to assess the effect on Westley Road and the potential impact on the nearby side streets. It would also allow officers to consider time restrictions if necessary, and alter aspects of the TRO as considered appropriate.

Alternative options: The Committee decided to defer from the officer's recommendation.

Declarations of interest: None Declared.

Dispensations: None reported.

The meeting adjourned at 11.48am and reconvened at 12.05pm.

The Committee agreed to alter the order of business as indicated in the minutes below.

7. B1070 High Street, Hadleigh – Prohibition of Waiting and Revocation Order

The Committee considered a report at agenda item 9 from the Director Resource Management regarding objections to the advertised Traffic Regulation Order (TRO) for the introduction of a new waiting prohibition in High Street, Hadleigh. The Committee acknowledged that the location of the existing vehicular access would serve a new development that had yet to receive planning permission. Therefore, the Committee noted that the waiting restrictions would not be implemented unless planning permission had been granted.

Councillor Trevor Sheldrick was invited to address the Committee as the Local County Councillor, and was in support of the officer's proposal. Councillor Sheldrick advised the Committee that the planned development would bring welcomed trade to the town. He referred to the provisions of short stay and long stay car parks, and commented that there was an area on High Street with no parking restrictions. He added that people wanted to park nearer the shops without being charged parking fees. In respect of the objections, Councillor Sheldrick commented that speeding was not an issue in the area being considered. He explained that the street was wide and two-way traffic passed by each other without hold ups. Councillor Sheldrick referred to comments from the objector concerned about parking for an ambulance outside his property. He advised the Committee that the restrictions would not prevent an ambulance from parking outside the gentleman's property to pick him up. The Committee heard that there was a considerable amount of parking on High Street and the restrictions would mean the removal of 8 spaces. Councillor Sheldrick noted that the removal of 8 spaces would create a passing place on the road, however he advised the Committee that this would not necessarily be required since the road was already wide enough for two-way traffic. Councillor Sheldrick referred to paragraph 23 in the report and advised the Committee that the proposed TRO would only be implemented if planning permission was granted to the developers. Councillor noted that off-road parking near to the area had been requested and that the restriction be made shorter.

In response to Councillor questions, Councillor Sheldrick advised the Committee that there were no plans to change High Street to a one-way.

Mr Neil Martyn, from The Planning Bureau, was invited to address the Committee as the representative of the developers, MacCarthy and Stone, and was in support of the officer's proposal. Mr Martyn advised the Committee that the developers did recognised the importance of on-street parking, which had been balanced with benefits of the development scheme; a 'retire living scheme' which would provide retirement living apartments, bungalows, and houses. The Committee heard that the new development would support local businesses by bringing in new residents to High Street. Mr Martyn explained that the development would also improve access to the rear of the property at No.107 High Street, referred to in the report, by providing access to a private space. Mr Martyn reiterated that the scheme was supportive of the local economy.

In response to Councillor questions, Mr Martyn advised the Committee that consideration had been given to provide a car park on the development site. However, it had raised other issues associated to additional vehicles entering the site to find a space. Although, spaces would be provided for No.107-109.

Decision: The Committee unanimously agreed that the Cabinet Member for Highways and Transport be recommended to approve the making of the Suffolk County Council (B1070, High Street, Hadleigh) (Prohibition of Waiting and Revocation) Order 201- as advertised, subject to the new development receiving planning permission and the associated changes to the vehicular access constructed.

Reason for decision: The Committee recognised that the TRO would provide adequate visibility at the vehicular access between No.s 109 and 111 High Street, by preventing on-road parking to either side. The Committee acknowledged the potential benefits the proposed development site would bring to Hadleigh and that the TRO would improve vehicular access without compromising road safety. The Committee suggested that Babergh District Council may wish to consider its parking policies in respect of the under use of the long stay car park.

Alternative options: None considered.

Declarations of interest: None declared.

Dispensations: None dispensation.

8. B1508 30 mph and 40mph Speed Limit and Revocation Order, Bures St Mary and Little Cornard

The Committee considered a report at agenda item 8 from the Director of Resource Management regarding an objection to part of the advertised Traffic Regulation Order (TRO) for the introduction of a continuous 40mph speed limit on the B1508, between the parishes of Bures St Mary and Little Cornard.

The Committee acknowledged receipt of an email which enclosed an additional letter from the objector and the officer's response, with regards to the suggestion of:

“installing mirrors on the other side of the B1508 opposite the two lanes coming in from Little Cornard so that the motorists could see in both directions along the road in the hours of daylight.”

The officer advised the Committee that Suffolk County Council did not permit the use of mirrors as they can increase risks and reduce safety. Therefore, the installation of mirrors at junctions would not be pursued.

The Committee was advised that the Speed Limit Panel had considered this case thoroughly and concluded that the route suggested for 30mph did not meet the criteria.

Councillor James Finch was invited to address the Committee as the Local County Councillor. Councillor Finch advised the Committee that he had been involved in this case for some time. He commented that the map, provided in the report, did not reflect the characteristics of the route such as the visibility, angles, and view of the route. Councillor Finch explained that a request had been submitted to the Parish Council for the 40mph speed limit as presented in the

report. The route had been debated and it was agreed that the blue section of the route, as depicted on the map in Appendix B, would be monitored. Councillor Finch referred to the objection to the proposed extension of the 40mph northwards to meet the existing 30mph speed limit at Little Cornard. Councillor Finch commented that he would be in support of reducing the speed along this section of the route because of the bends and angles of the route. However, he acknowledged that the nature of the route did not meet the criteria for a 30mph speed limit. He added that the Parish Council would also like to see the 30 mph extended but again acknowledged this was against policy. Councillor Finch advised that he did support the proposal but added that he would still like the route to be monitored, particularly on the corners.

Decision: The Committee unanimously agreed that the Cabinet Member for Highways and Transport be recommended to approve making of the Suffolk County Council (Parishes of Bures St Mary and Little Cornard) (B1508 Bures Road, St Edmunds Hill and Sudbury Road) (30mph and 40mph Speed Limit and Revocation) Order 201 – as advertised.

Reason for decision: The Committee accepted that the introduction of a continuous and consistent 40mph speed limit on the B1508 between the existing 30mph speed limits in the parishes of Little Cornard and Bures St Mary would improve road safety.

Alternative options: None considered.

Declarations of interest: None declared.

Dispensations: None reported.

9. C436/50 Heath Road, Woolpit (Prohibition of Waiting) Order 201-

The Committee considered a report at agenda item 10 from the Director of Resource Management regarding objections to the advertised Traffic Regulation Order (TRO) for the prohibition of waiting along Heath Road in Woolpit.

Councillor Jane Storey was invited to address the Committee as the Local County Councillor and was in support of the officer's proposal. Councillor Storey advised the Committee that car parking problems on Heath Road was linked to the school, with parents picking up and dropping off their children at the school. Councillor Storey explained that the prohibition of waiting had also made an allowance for the opening times of the pre-school, The Arc, which had longer opening times compared to the school, with early morning drop-offs and later pick-ups at around 6pm. Therefore, parents were still dropping off and picking up children beyond the normal school times. Councillor Storey advised the Committee that there was parking available at the village hall, which was a short walk from the school, and the crossing was patrol worked well. She added that the position of the parked cars, and with children running around as well, made driving down this route difficult. Councillor Storey advised the Committee that Heath Road was a lorry route, therefore, the TRO would mean that lorry drivers would be able to clearly see the children walking along the road and using the crossing. Councillor Storey referred to the objections from 1 Heath Road. She advised the Committee that she had had many correspondences with the

objectors regarding their concerns about the TRO and the impact it may have on visitors parking. Councillor Storey commented that she felt that the benefits of the TRO outweighed the objections raised.

In response to Councillors questions, Councillor Storey advised the Committee that the Health Centre had made it clear that parents were welcome to use their car park for drop-offs and pick-ups. She reiterated that parents could also park at the Village Hall.

Decision: The Committee unanimously agreed that the Cabinet Member for Highways and Transport be recommended to approve the Suffolk County council (C436 Heath Road, Woolpit) (Prohibition of Waiting) Order 201-

Reason for decision: The Committee accepted that the prohibition of waiting along Heath Road in Woolpit would prevent inconsiderate parking and improve road safety. The Committee also noted that alternative parking solutions had been recognised at alternative locations, Health Centre, and Village Hall, for parents picking up and dropping off children at both the School and Pre-School.

Alternative options: None considered.

Declarations of interest: None declared.

Dispensations: None reported.

10. C418 Lemons Hill, Tattingstone 24-hour clearway and prohibition of stopping Footways and Verges Order 201-

The Committee considered a report at agenda item 11 from the Director of Resource Management regarding objections to a Traffic Regulation Order (TRO) for the introduction of a 24-hour clearway and prohibition of stopping on footways and verges along part of Lemons Hill, Tattingstone.

The Committee was advised that Mrs Sharp, an objector who was unable to attend the meeting, had submitted further comments, via email, following the publication of the Committee Agenda. The Committee heard that Mrs Sharp had suggested a part-time bad on the bridge and additional pressure on Anglian Water to lock its car parks at 6pm. Mrs Sharp felt that the TRO would not address the issue of anti-social drivers using the free parking by the water nor would it stop them from using the lay-by as a turning area to the inconvenience of the family living nearby.

In response to these comments, the officer explained that the northern end of the proposed clearway, which passed the properties at Nos 1-6 Lemons Hill, had been chosen to avoid displaced parking and associated anti-social behaviour near to these properties.

Councillor David Wood was invited to address the Committee as the Local County Councillor and was in support of the officer's proposal. Councillor Wood informed the Committee that there had been various incidents of anti-social behaviour on the bridge. This included cars being parked on the bridge and then used as a higher platform to be jumped from, into the water. Anglian Water had been made aware of the problems, but there were no enforcement laws to address these issues. Councillor Wood advised the Committee that there was now a new Anglian Water Warden in place. Furthermore, since the tragic

accident in 2015 local authorities including the Police, Ambulance Service and Anglian Water had held public meetings to come up with plans to resolve the issues on the bridge and surrounding area. With each authority being responsible for matters within their remits. Councillor Wood advised the Committee that the local residents had been happy with either double lines or a clearway. The plans were published in the local newsletter, and it was only when the notices went up that the objections were submitted. Councillor Wood recognised the concerns of the objectors regarding utility vehicles, such as the coal lorry and household waste trucks, accessing the properties. He advised the Committee that these vehicles would be exempt from the restrictions as they are not expected to be parked outside the properties for long periods. Councillor Wood commented that the 24-hour clearway would be enforceable. Therefore, should any anti-social behaviours occur or if cars are parked in the Traffic Regulation Order zone, then the police could be called to reinforce the restrictions. The Committee heard that Anglian Water were already taking steps to close the car parks in the evenings, and that all the authorities were working together to prevent any future incidents. Councillor Wood reiterated his support for the proposal.

Decision: The Committee unanimously agreed that the Cabinet Member for Highways and Transport be recommended to approve the making of the Suffolk County Council (Parish of Tattingstone) (C418 Lemons Hill) (24-Hour Clearway and Prohibition of Stopping on Footways and Verges) Order 201- as advertised.

Reason for decision: The Committee accepted that the 24-hour clearway and prohibition of stopping on footways and verges would help to reduce the risk to public safety on and in the area of Lemons Hill Bridge at Alton Water. The Committee recognised that the TRO would prevent vehicles from stopping on the carriageway, footways, and verges in the immediate vicinity of the bridge.

Alternative options: None Considered.

Declarations of interest: None reported.

Dispensations: None declared.

Councillor Keith Patience left the meeting.

11. Parish of Trimley St Martin (U3124) High Road and (3101) Mill Lane, Prohibition of Waiting Traffic Regulation Order.

The Committee considered a report at agenda item 7 from the Director of Resource Management regarding an objection to a Traffic Regulation Order for the introduction of a prohibition of waiting near the junction of High Road and Mill Lane, Trimley St Martin.

The Committee was advised that the Local County Councillor was in support of the officer's proposal.

Decision: The Committee unanimously agreed that the Cabinet Member for Highways and Transport be recommended to approve the making of the Suffolk County Council (Parish of Trimley St Martin) (U3124 High Road and U3101 Mill Lane) (Prohibition of Waiting) Order 201- as advertised between 18 July and 9 August 2016.

Reason for Decision: The Committee accepted that the prohibition of waiting at the junction of High Road and Mill Lane in Trimley St Martin would improve road visibility and traffic safety for pedestrians and vehicles using the junction. The Committee recognised that the TRO would remove obstructions caused by parked vehicles and facilitate the passage of emergency vehicles and two-way traffic using the junction

Alternative Options: None Considered.

Declarations of interest: None Declared.

Dispensations: None reported.

12. Information Bulletin

The Committee noted the Information Bulletin.

13. Urgent Business

There was no urgent business.

The meeting closed at 12.53pm.

Chairman

