

Minutes of the Rights of Way Committee Meeting held on 25 January 2017 at 10:00am in the Elisabeth Room, Endeavour House, Ipswich.

Present: Councillors Gary Green (Chairman), Helen Armitage, Terry Clements, Julian Flood, Bill Mountford, Graham Newman Keith Patience, Caroline Page, Bill Quinton, Chris Punt, John Sayers and Andrew Stringer.

Also present: Councillor Joanna Spicer (Agenda Item 04), Councillor Inga Lockington (Agenda Item 06), David Ritchie (observing – Agenda Item 07), Councillor David Busby (Agenda Item 08), Councillor and Jenny Antill (Agenda Item 09)

Supporting officers present: Helen Taber-French (Committee Administrator), David Last (Definitive Map Officer), Mark Wedgewood (Acting Ipswich Area Highways Manager), Ian Lightfoot (Traffic Management Enforcement Officer), Keith Samson (Area Highway Engineer), David Stiff (Central Area Highways Manager) and David Chenery (Assistant Area Highways Manager).

**14. Apologies for Absence and Substitutions**

Councillor Nick Barber (Vice-Chairman), Councillor Robert Whiting and Councillor David Wood who was substituted by Councillor Page.

**15. Declarations of Interest and Dispensations**

There were no declarations of interests or dispensations.

**16. Minutes of the Previous Meeting**

The minutes of the meeting on 10 October 2016 were confirmed as a correct record and signed by the Chairman.

**17. Claimed Footpath in Hepworth**

The Committee considered a report at agenda item 4 from the Director of Resource Management regarding a formal application for claimed footpaths in Hepworth. The Committee noted that a High Court ruling in 1993 had determined that Inclosure Commissioners had the power to set out roads, but nothing of a lower status. However, in 2015 the Court of Appeal had overturned this ruling, therefore case law now confirmed that Inclosure Commissioners did have the power to set out all statuses of public rights of way. The Committee was advised that in June 2016 the County Council was directed to determine the formal application by 1 March 2017.

Mr Stephen Hatten was invited to address the Committee as an objector to the officer's proposal. Mr Hatten advised the Committee that he was objecting on behalf his father Mr Guy Hatten, and fellow landowners Mr Nigel Webber and Mr Richard Burton. Mr Hatten informed the Committee that each of these landowners had worked and lived on this land for many years, and had no knowledge of a public footpath along the claimed route nor seen anyone using the route. Mr Hatten advised the Committee that the collective knowledge and living memory of the land spanned across 100 years, and no one had used this route. The Committee heard that Mr Webber had also discussed the footpath with local residents who also had no knowledge of the claimed routes. Mr Hatten advised the Committee that at the previous enquiry the section of the route between points A-B, as shown on map 2 of the report, had been considered as part of a private path. Furthermore, he commented that in 1817 the claimed route between points B-D, as shown on map 2 of the report, had been recorded as 'stopped up' and the position of the claimed route between points D-E, as shown on map 2, was incorrect. Mr Hatten urged the Committee to reject the officer's proposal on the basis that previous evidence supported that the claimed route between points A-B as a private path and that the claimed route between points B-D had been stopped up.

The Officer advised the Committee that this stopping up was prior to diverting the route from a curved to a straight line.

Councillor Joanna Spicer was invited to address the Committee as the Local County Councillor. Councillor Spicer commented that in this case the system was particularly unhelpful for the Committee, the Landowners, and residents. She recognised that whether the Committee approved or rejected the officer's proposals, the case would be subject to further appeals and enquiries. She advised the Committee that there was no indication of a footpath along the claimed route nor was the route used, and she raised doubts in relation to section of the route between A-B. Councillor Spicer recognised, however, that the change in law had placed this case back into the remit of the Committee. Councillor Spicer advised the Committee that whilst in the circumstance she did take a neutral stance on the case, consideration should be given to the objections raised.

**Decision:** The Committee by majority agreed that, with the exception of section A-B of the claimed route, a modification order is made under section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add the route C-D-E and D-B to the definitive map and statement as public footpaths, incorporating the particulars contained in paragraph 42 into the definitive statement.

**Reason for decision:** The Committee felt that the evidence was insufficient to accept that the claimed route between points A-B, as shown on map 2 of the report, as a public footpath. The Committee acknowledged that the section of the claimed route between points A-B was not described in the award and was not included consistently on both Inclosure Plans.

In light of the Court of Appeal ruling in 2015, that confirmed that the Inclosure Commissioners did have the power to set out all statuses of public rights of way, the Committee accepted that the evidence was sufficient to conclude that on a balance of probabilities, the claimed route between points C-D-E and D-B, as

shown on map 2 of the report, should be recorded as public footpaths on the definitive map and statement.

**Alternative options:** The Committee decision was alternative to the officer's proposal.

**Declarations of interest:** None Declared.

**Dispensations:** None reported.

#### **18. Claimed Public Footpaths in the Parishes of Chevington, Horringer and Ickworth**

The Committee considered a report at agenda item 5 from the Director of Resource Management regarding formal applications for claimed public footpaths in the Parishes of Chevington, Horringer and Ickworth. The Committee noted that the claimed routes were being investigated following the Court of Appeal ruling in 2015. The Committee noted that High Court ruling in 1993 had determined that Inclosure Commissioners had the power to set out roads, but nothing of a lower status. However, in 2015 the Court of Appeal had overturned this ruling, therefore case law now confirmed that Inclosure Commissioners did have the power to set out all statuses of public rights of way.

Councillor Terry Clements was invited to address the Committee as the Local County Councillor. Councillor Clements advised the Committee that he supported the officer's proposal. He commented that people could walk anywhere in the park, and in addition the National Trust encouraged walkers to visit the park.

**Decision:** The Committee agreed, by majority:

- a) that claim 1 is rejected with all parties being advised accordingly.
- b) that an order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add A-B-C-D-E of claim 2 to the definitive map and statement as a public footpath with the particulars contained in paragraph 66 being incorporated into the definitive statements.

**Reason for decision:** The Committee accepted that there was insufficient evidence to show public rights existed for claim 1, but agreed the evidence was sufficient to raise at least a reasonable allegation of public rights existing for claim 2.

**Alternative options:** None Considered.

**Declarations of interest:** None declared.

**Dispensations:** None reported.

#### **19. Consideration of Objections to the Making of Traffic Regulation Order 201- Various Locations in Ipswich**

The Committee considered a report at agenda item 6 from the Director of Resource Management regarding objections to the advertised Traffic Regulation Order (TRO) to introduce waiting restrictions in Constitution Hill, Radcliffe Drive, and Sidegate Lane West, in Ipswich.

The Committee was advised that since the publication of the reports the objection for Cavendish Street had been withdrawn, therefore the Committee would not be considering this aspect of the report.

The Committee was informed that Local County Councillor Sandra Gage had submitted a statement outlining her support for the officer's proposal in respect of Sidegate Lane West, which was read out by the officer. The Committee heard that Councillor Gage had described the junction at Colchester Road / Sidegate Lane west as not a typical junction. Traffic leaving Colchester Road coming from West Ipswich did not slow down until they reached the Give Way markings at the Sidegate Lane West junction opposite the shop parade. The Committee heard that it was usual for cars to be parked on the slip road and the junction of Sidegate Lane West, which limited visibility for drivers from all directions and pedestrians. The Committee heard that Councillor Gage had explained that a significant number of pedestrians used the area, particularly during the school term. However, there was steady pedestrian movement seven days a week, all day, as the route was used to reach the shops, churches, cemeteries, and other residential areas either side of Colchester Road. Councillor Gage commented that the lack of waiting restrictions on the slip road and near the junction meant that pedestrians walked between parked cars. Furthermore, motorists had to manoeuvre around parked cars, reducing their ability to be aware of pedestrians stepping out from the pavement. Councillor Gage felt that the proposed waiting restrictions would improve pedestrian safety and motorist's ability to clearly see around the junction.

Councillor Inga Lockington was invited to address the Committee as the Local County Councillor for Constitution Hill, and was in support of the officer's proposal. Councillor Lockington referred to the characteristics of the road, including slope of the road and the brick walls which restricted visibility. She commented that Constitution Hill was in a conservation area, therefore the brick walls could not be removed. Councillor Lockington recognised the concerns raised by the objectors, and added that the impact of the TRO would only be clear if the TRO was implemented. She added that most of the parking was from Ipswich High School. Councillor Lockington recognised that other areas had experience similar problems, and she confirmed her support for the officer's proposal.

Councillor Helen Armitage was invited to address the Committee as the Local County Councillor for Radcliffe Drive, and was in support of the officer's proposal. Councillor Armitage advised the Committee that cars, vans and lorries used the road, therefore any safety protection was a positive. Therefore, she supported the officer's proposal.

**Decision:** The Committee unanimously agreed;

- a) that the Cabinet Member for Highways and Transport should be recommended to approve the making of the Suffolk County council (Ipswich Borough Council) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Place) (Consolidation) Order 2005 (Various Roads) (Prohibition and Restriction of Waiting and Loading and On-Street Parking Places) (Variation No\*) Order 201-

- b) that the impact on Brackenbury Close be monitored and reviewed following the implementation of the restrictions.

**Reason for decision:**

- a) The Committee recognised that the proposed TROs would benefit Constitution Hill, Sidegate Lane West and Radcliffe Drive as follows:

Constitution Hill, Ipswich

- i) provide protection against vehicles parking around the junctions compromising the safe manoeuvring of all vehicles, including buses, to and from Constitution Hill
- ii) restrict parking outside of residential properties during the normal day (8am – 6pm) to promote the safe manoeuvring of residents in and out of their driveways.
- iii) Provide a passing place on this narrow road for vehicles meeting.

Sidegate West Lane,

- i) provide greater visibility and manoeuvring capability for motorists utilising the area.
- ii) give the significant numbers of motorists and pedestrians using the area greater visibility of each other making it less congested and safer.

Radcliffe Drive

- i) stop vehicles parking too close to the junction and giving greater visibility to all road users making it safer.
- ii) The Committee recognised the concerns raised by the objector in respect of the potential impact the TRO for Constitution Hill could have on Brackenbury Close. Therefore, the Committee agreed that this should be monitored and reviewed on a regular basis once the TRO is implemented.

**Alternative options:** None Considered.

**Declarations of interest:** None declared.

**Dispensations:** None reported.

**20. Suffolk County Council (B1062 and Various Side Roads, Barsham, Beccles, Bungay, Mettingham and Shipmeadow) (50mph Speed Limit) Order 201-**

The Committee considered a report at agenda item 7 from the Director of Resource Management regarding an objection to the advertised Traffic Regulation Order (TRO) for the introduction of a 50mph Speed Limit on the B1062 between Beccles and Bungay.

The Committee was advised that the proposed speed limit had been considered and agreed by the Speed Limit Panel. It was noted that the Speed Limit Panel considered each case thoroughly and ensured that the policies are strictly applied. Councillor Page advised the Committee that a great deal of time and hard work had been dedicated to this case, and therefore, it was discouraging that this was being discussed again at the Rights of Way Committee.

**Decision:** The Committee unanimously agreed that the Cabinet Member for Highways and Transport should be recommended to approve the making of the

Suffolk County Council (B1062 and Various Side Roads, Barsham, Beccles, Bungay, Mettingham and Shipmeadow) (50mph Speed Limit) Order 201- as advertised.

**Reason for decision:** The Committee recognised that the 50mph speed limit was designed to improve the safety of vehicles using the B1062 between Beccles and Bungay, and especially for vehicles entering and leaving the B1062 at junctions and private accesses along the route.

**Alternative options:** None considered.

**Declarations of interest:** None declared.

**Dispensations:** None reported.

## **21. Chattisham Lane and A1071 George Street, Hintlesham, Prohibition and Restriction of Waiting Order**

The Committee considered a report at agenda item 8 from the Director of Resource Management regarding objections to the advertised Traffic Regulation Order (TRO) for the introduction of new prohibition and restriction of waiting in Chattisham Lane and George Street, in Hintlesham.

Councillor David Busby was invited to address the Committee as the Local County Councillor, and was in support of the officer's proposal. Councillor Busby advised the Committee that there were a number of issues associated with the A1071 George Street. He explained that the school was located on George Street, which was a main road, and as such experienced continuous traffic, 14% of which was lorries, creating a dangerous situation. He also added that the playing field was also located by the road, which was not good in terms of traffic emissions for the children that played there. Councillor Busby advised the Committee that the TRO was designed to make the area safer, and to allow traffic to flow continuously. He explained that when cars are parked along the road, drivers are taking a risk when pulling out from behind parked cars, which was hazardous due to the bend in the road. Councillor Busby advised the Committee that '20's plenty' signs were being sorted out for the area. In addition, the Committee heard that various measures had been considered to help resolve the issues on this section of the road. The Committee was advised of a potential development behind the school, which would move parking and enable parents and children to walk to the school and enter the school site at the back, where a new entrance would be provided. Councillor Busby advised the Committee that he supported the officer's proposals and commented that it was the best solution in the current circumstances.

Ms Sarah Langton was invited to address the Committee as the representative of Sarah Ager and the Parent School Road Safety Committee of Hintlesham and Chattisham CEVC Primary School, and objected to the officer's proposals. Ms Langton advised the Committee that speeding along George Street was the main issue of concern. The Committee heard that traffic speeds along this section of the A1071 in Hintlesham was of greater risk to the safety of road users and pedestrians, than the parked cars. Ms Langton advised the Committee that on this basis, it was felt that speed controls should be considered as part of proposed TRO, along with a commitment from the Council to address the issues

along George Street. Ms Langton referred to the analysis of speed data, and informed the Committee that 9.5% of traffic exceeded the speed limit by 5mph and 41% of all traffic exceeding the 30mph speed limit outside the school. Furthermore, the Committee heard that the wind turbulence from passing vehicles was dangerous for children pedestrians. Ms Langton commented that enforcement of the restrictions was important in order for them to be effective. However, she advised the Committee that the Safety Neighbourhood Team had indicated that their current level of resources would make it difficult for them to respond to calls for enforcement. Ms Langton advised the Committee that the Parent School Road Safety Committee was supportive of the double yellow lines, but noted that single yellow would still allow vehicles to stop for passengers to alight, therefore, not resolving the hazards issue – as cars would still be manoeuvring in and out of available spaces outside the school. Concluding Ms Langton referred to the report which described George Street as a principle road and not as a residential street. She informed the Committee that George Street had been a residential street for over 100 years with a church pub and school all used since the 1870s.

In response to Councillor questions, Sarah Langton advised the Committee that whilst there was no official accident data, parents had incurred injuries from parts of vehicles overhanging the pavement. It was noted that the parents reported the injuries to the school but had not informed the police. The Chairman advised Ms Langton that such incidents should be reported the police. Ms Langton advised the Committee that 20%-30% of parents and children attending the school, including siblings, walked to school, with the remaining driving to school.

**Decision:** The Committee agreed, by majority,

- a) to approve the making of the order, with a safety advisory note that the TRO be implemented with considerations for other safety measures that enhances the safety of road users and pedestrians outside the school, such as a 20mph speed limit during the school day and barriers on the pavement.
- b) the Cabinet Member for Highways and Transport be recommended to approve the making of the Suffolk County Council (Parish of Hintlesham) (U4305 Chattisham Lane and A1071 George Street) (Prohibition and Restriction of Waiting) Order 201- as advertised,
  - i) with the following amendment, that the no waiting 8am-4pm, Mon-Fri on the north east side of A1071 George Street for 14.5metres, opposite the junction with Rectory Lane, be omitted.

**Reason for decision:** The Committee recognised that the proposed TRO would improve road safety and prevent congestion on the A1071 George Street, by removing some on-street parking, which restricted the free flow of traffic during school times and presented a hazard to pedestrians and other road users. The Committee felt that consideration should be given to other safety measures in addition to the TRO to enhance safety, such a 20 mph speed limit and barriers on the pavement.

**Alternative options:** None considered.

**Declarations of interest:** None declared.

**Dispensations:** None reported.

The Committee adjourned at 11.50am and reconvened 12.02pm

**22. Parish of Cockfield (A1141) Lavenham Road, 40mph Speed Limit Traffic Regulation Order**

The Committee considered a report at agenda item 9 from the Director of Resource Management regarding objections to the advertised Traffic Regulation Order (TRO) to extend the existing 40mph speed limit on Lavenham Road, Cockfield.

Councillor Jenny Antill was invited to address the Committee, as the Local County Councillor and was in support of the officer's proposal. Councillor Antill advised the Committee that approximately 50 affordable houses were planned to be built on the development site. The Committee heard that the Parish was an open-minded community, with an excellent record for developments and affordable housing. The site was well connected to the facilities i.e. shops, church, and school, and had a footpath around the back of the site. Councillor Antill advised the Committee that the development could not go ahead without the extension of the 40mph, and the proposed TRO would not be implemented unless planning permission was granted for the development. Therefore, Councillor Antill urged the committee to support the TRO to allow the area to be unlocked for development.

Councillor Clive Arthey, Babergh District Council was invited to address the Committee, and was in support of the officer's proposal. Councillor Arthey advised the Committee that the reduction in the speed limit would help slow down traffic travelling in a southern direction, before approaching the bend on the A1141. Councillor Arthey advised the Committee that the two entrance/exits points on the development site were both well with the proposal. The Committee heard that the community liked to be proactive, and that the development would help meet both the housing and community needs. Councillor Arthey added that it was hoped that the TRO would be place before work started on the development, due to the presence and movement of heavy duty vehicles around the site when work started.

Councillor Robin Morley, Cockfield Parish Council, was invited to address the Committee, and was in support of the officer's proposal. Councillor Morley advised the Committee that the Parish Council aimed to maintain the local community and village school. The Committee head that the village school had around 60-70 students, and was a viable 'good' school. Councillor Morley added that the TRO would help facilitate the development and in turn help support the village and local community.

**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 Cockfield) (A1141 Lavenham Road) (40mph speed limit) Order 201- subject to the development receiving planning permission and the development providing roadside frontage.

**Reason for decision:** The Committee accepted that the changed in speed limit would enable the provision of a new access road to facilitate a proposal to provide much needed affordable housing as well as open market housing, along

with community open space and a link to a proposed footpath connecting to other parts of the village via the former railway line. Furthermore, the Committee recognised that by extending the speed limit would encourage vehicles, traveling from the northwest, to slow down. The Committee noted that the TRO to extend the speed limit would be subject to planning permission being granted for the proposed development.

**Alternative options:** None considered.

**Declarations of interest:** None declared.

**Dispensations:** None reported.

### **23. Framlingham (Various Roads) – Prohibition and Restriction of Waiting and Revocation Order**

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 introduction of new prohibitions of waiting in various roads and changes to some existing waiting restrictions in Framlingham.

The Committee was informed that Local County Councillor Stephen Burroughes had submitted a statement outlining his support for the officer's proposal, which was read out by the officer. It was noted that Councillor Burroughes recognised that the officer's proposals were designed to improve road safety and to prevent congestion on the road junctions and bends. On street parking within Framlingham and lack of visibility created a real and significant danger to drivers and pedestrians alike. Councillor Burroughes had raised concerns around refuse vehicles safely accessing these roads, as well as emergency vehicles, whose access was already compromised and potentially blocked from accessing the premises along these narrow streets. The Committee heard that Councillor Burroughes had been in discussions with both Framlingham Town Council and Eastern Area Highways Team to examine the issues and identify resolutions, and he felt that the measures recommended would go some way to provide satisfactory and stable relief. Councillor Burroughes had acknowledged that some local business and residents may experience some effects from the proposals but he felt that the benefits the proposals would provide to Framlingham would be realised once they had settled down. Councillor Burroughes had stated that Framlingham had experienced inadequate parking provision and pressures from increasing traffic flows for years, which were only to be increased by proposed new developments. Therefore, Councillor Burroughes felt that the proposals would help tackle the pressures.

Mr John Massey was invited to address the Committee as an objector to the officer's proposal, in relation to Fore Street, Framlingham. Mr Massey commented that alongside the TRO proposals, there was a need to address parking in Framlingham. Otherwise the situation would only move to another location, or further down Fore Street outside his house. Mr Massey advised the Committee that parking on Fore Street had worsened since the car park at the bottom of Fore Street had been made into a pay and display car park. He explained that instead of paying for parking, people were now parking for free on the streets, and leaving their cars there all day while they go to work. Mr Massey

added that by 5pm-6pm Fore Street was clear again. In order to allow residents to park outside their homes, Mr Massey suggested the introduction of resident parking, and 'return within 1 hour' parking for those visiting the town. Mr Massey advised the Committee that if the proposed yellow lines on Fore Street were agreed, then consideration should be given to where the cars will go, not just visitors to the town but the workers who leave their cars from 8am-5pm and refuse to pay for parking.

In response to Councillors questions, Mr Massey advised the Committee that around 8-15 cars parked on Fore Street, all day, every day. If the proposed TRO was introduced, Mr Massey commented that these cars were likely to move south on Fore Street and park on both sides of the road, with no 'passing places' gaps to allow traffic from the opposite direction to pass. The officer acknowledged the likelihood of displaced parking but added that this was not certain if this would happen or not.

Councillor John Jones, Framlingham Town Council, was invited to address the Committee, and was in support of the officer's proposals. Councillor Jones advised the Committee that the purpose of the TRO was to improve road safety and allow the free flow of traffic around Framlingham. Councillor Jones commented that the main concern was on-street parking, and although on-street parking would be reduced it would improve road safety and reduce hazards along these roads. He advised the Committee that Framlingham Town Council was working on various measures, that were running parallel with the proposed TRO, to address issues arising from growing traffic and on street parking. The Committee heard that Framlingham Town Council had set up a Parking Strategy Working Group which had been tasked with identifying suitable parking solutions, such as parking charges and time restricted free parking for example no return in one hour. The Committee heard that the Town Council was close to implementing various proposals such as parking permits, identifying licenced land for car parks and expanding existing car parks. Councillor Jones explained that the Working Group and the Town Council had listened to residents' comments, and aimed to help both residents and the local community by looking at what could be done with limited resources.

In response to Councillor questions, Councillor Jones commented that the proposed TRO would address the safety issues and would outweigh other issues such as the displacement of parking and loss of approximately, 20-24 parking spaces. However, he explained that the measures implemented by Framlingham Town Council would help address any displacement by provided alternative and suitable car parks. The Committee heard that Framlingham Town Council was in advanced talks about their parking solutions, which should be implemented in approximately 6 months, although some measures would be quicker than others, such as the parking permits for Fore Street and Double Street. It was noted that the TRO would be implemented within approximately 2-3months.

**Decision:** The Committee unanimously agreed:

- a) that the Cabinet Member for Highways and Transport be recommended to approve the making of the Suffolk County Council (Various Roads, Framlingham) (Prohibition and Restrictions of Waiting and Revocation) Order 201- as advertised and as such, be recommended to:

- i) Approve the proposals as advertised for Riverside and Bridge Street
  - ii) Approve the proposals as advertised for Saxmundham Road
  - iii) Approve the proposals as advertised for Double Street
  - iv) Approve the proposals as advertised for Station Road
- b) to uphold the objections in respect of Fore Street, and therefore agreed that the Cabinet Member for Highways and Transport be recommended not to approve the proposals as advertised for Fore Street, Framlingham.

**Reason for decision:**

- a) The Committee accepted that the proposals advertised in the TRO for Riverside and Bridge Street, Saxmundham Road, Double Street, and Station Road would improve road safety and prevent congestion at road junctions and bends, where existing on-street parking restricts the free flow of traffic and forward visibility.
- b) The Committee raised concerns that the advertised TRO on Fore Street, Framlingham, would mean that cars currently parked on the west side of the road would move to the east side. The Committee felt that this would make it more hazardous for vehicles travelling southbound to pass the parked cars on the east side of the road, without a passing place. Therefore, the Committee felt that on these grounds the TRO would not improve safety on Fore Street.

**Alternative options:** The Committee's recommendation

**Declarations of interest:** None declared.

**Dispensations:** None reported.

**24. Information Bulletin**

The Committee noted the Information Bulletin.

**25. Urgent Business**

There was no urgent Business

The meeting closed at 1.05pm.

Chairman