

Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Tuesday, 18th March 2014

held at the Town Hall, Weston-super-Mare, Somerset.

Meeting Commenced: 2.00 p.m Meeting Concluded: 3.00.p.m.

Councillors:

P Charles Cave (substitute for Bob Cook)	P Robert Payne
A Bob Cook	P Ann Harley (Chairman)
P Jill Iles	P Tony Moulin

P: Present

A: Apologies for absence submitted

Officers in attendance:

Elaine Bowman, Development and Environment, Joanna Pyke, Corporate Services Directorate, Tim Nelson, Corporate Services Directorate.

PRW Public Participation (Standing Order 17) (Agenda Item 1) **7 Sea Wall, Portbury (Agenda Item 6.2)**

The Chairman advised the Committee that there had been a request from Mrs Annette Hennessy to speak on Sea Wall, Portbury. The speaker was not in attendance but should she join the meeting prior to the consideration of agenda item 6.2 she would request that the Committee agree to waive standing orders to enable her to speak.

PRW Declarations of Interest by Members **8**

None

PRW Minutes of the Meeting held on 19th November 2013 (Agenda Item 4.1) **9**

Resolved: that the minutes of the meeting be approved as a correct record.

PRW Wildlife and Countryside Act 1981 DMMO MOD 100 Station Road to the **10 Glebe, Wrington (Agenda Item 6.1) – REPLACEMENT URGENT ITEM**

The Chairman ruled that this item was an urgent item for the following reasons:

“The owners of the land, Medcentres Plc requested that Mod 100 be taken out of sequence. The reason for this was that they were incurring financial

issues associated with its delay. They were currently appealing against a non determination of a pending planning application and if the correct papers were not presented to the Committee on the 18th March 2014, then the landowners could make claim against the Council for further delay incurred”.

The representative of the Director of Development reported an application for a Definitive Map Modification Order under Section 53(5) of the Wildlife and Countryside Act 1981, requesting that a route that is currently used by the public should be added to the Definitive Map and Statement as a Byway Open to All Traffic. The effect of this request should an order be made and confirmed would be to amend the Definitive Map and Statement for the area

The Chairman invited Councillor Mrs Yamanaka (as local ward member) to address the Committee.

Presenting the report the representative of the Director of Development and Environment responded to Members’ questions.

Resolved:

(1) that the application to record this route as a Byway Open to All Traffic based on the fact that the Bath and Wells Diocesan Board of Finance have not been notified about this application and that mechanically propelled vehicular rights have been extinguished by Section 66 and 67 of the NERC Act 2006 be **rejected**; and.

(2) that the relevant Public Rights of Way Officer be instructed to make a Definitive Map Modification Order under Section 53 Wildlife and Countryside Act 1981 or obtain a dedication agreement from the landowner to record a Public Footpath from Station Road Wrington to its connection with the existing public right of way network at Footpath AX 30/57.

PRW 11 Wildlife and Countryside Act 1981 DMMO 101 Coastal Sea Wall, Portbury (Agenda Item 6.2)

The Chairman advised the Committee that Mrs Annette Hennessy who had requested to speak on this matter was not in attendance. On this occasion the representative of the Director of Development and Environment précised the concerns, from an email sent by Mrs Hennessy, for the Committee. I

The representative of the Director of Development and Environment reported on an application dated 3 July 2013 that had been received following concerns expressed by residents of the area regarding the future of a route, shown as A – B on the plan, now submitted . The claimed route was along the sea wall from the new development at Portishead Marina to connect to an existing public right of way Footpath LA15/15. The application was to modify the Definitive Map for the area by adding a footpath over the aforementioned land. The submitted application was supported by 22 user evidence forms, 13 of which were submitted with the application. A further nine had previously been submitted by Town Councillor Peter Burden.

The representative of the Director of Development and Environment confirmed that the situation would continue to be monitored

Resolved:

- (1) that the request for this matter, Mod 101, to be determined out of sequence **be declined**; and
- (2) that in the event that progress is not made on the Deed of Variation as detailed in the report, now submitted, within the next six months, then this matter may be brought back to this Committee for further consideration.

Chairman
