

# North Somerset Council

## REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE

<b>DATE OF MEETING:</b>	<b>28 JULY 2015</b>
<b>SUBJECT OF REPORT:</b>	<b>STATION RD/TRENDEWOOD GARDENS</b>
<b>TOWN OR PARISH:</b>	<b>NAILSEA</b>
<b>OFFICER/MEMBER PRESENTING:</b>	<b>ELAINE BOWMAN</b>
<b>KEY DECISION:</b>	<b>NO</b>

### RECOMMENDATION

That the Public Rights of Way Sub Committee authorise the relevant officer to withdraw and take no further action upon the application relating to Mod 97 recorded on the Definitive Map Modification Order Section 53 Register.

#### 1. SUMMARY OF REPORT

An application dated 16 June 2010 was received from Nailsea Town Council requesting the modification of the Definitive Map for the area by adding a footpath over land at 2 Station Road, Nailsea. The application is supported by 17 user evidence forms and two statements which were submitted as part of a Planning Application Appeal.

#### 2. POLICY

The maintenance of the Definitive Map is part of the management of the public right of way network and so contributes to corporate aims 2 “enhancing health and well-being” and 3 protecting and improving the environment”.

#### 3. DETAILS

This application dated 16 June 2010 was submitted by Mr I Morrell on behalf of Nailsea Town Council. It is accompanied by 17 User evidence forms and two statements which claim that a grassed area adjacent to the adopted highway has been used between four and 40 years by residents of the area as part of their journey. The application is not accompanied by a plan but users have mark plans attached to their User Evidence Forms. The claimed route is illustrated on the attached plan **Appendix 1** as A – B.

This area of land is located on the junction of Trendlewood Way and Station Road. It was acquired as part of a larger development site later to be known as Kenford Park. After development this area became an open area of grass land.

For a number of years this area of land was maintained by the Council, however when investigated it was found that this land had not been transferred to either the Town Council

or District Council. It was established that the developer of Kenford Park development still owned the land and when approached by a neighbouring property was sold to them. It has subsequently been resold to the current owners of 2 Station Road Mr & Mrs Whitaker. An aerial photograph of this area is attached as **Appendix 2**.

This area of land has been the subject of concern between the landowner and the Parish Council since October 2009. At that time the owners submitted an application for planning permission to change the use of the land from open space to residential curtilage (Retrospective). The decision of Central Area Committee in February 2010 was to refuse consent. The landowner appealed against the Committee decision, at which time Nailsea Town Council submitted their application. Planning permission was granted in August 2010.

Nailsea Town Council have now reconsidered the submission of their application and at their meeting on 11 March 2015 agreed to withdraw their application. Extract from their minutes are attached as **Appendix 3**.

#### **4. CONSULTATION**

As this matter is listed as Mod 97 no formal consultations have yet been undertaken

#### **5. FINANCIAL IMPLICATIONS**

No financial implications incurred at this stage.

#### **6. RISK MANAGEMENT**

This report relates to the removal of an application from the Definitive Map Modification Order Section 53 Register. There is always a risk that another party may decide to submit a new application; however it is felt that there is no detriment on the public as there is an adopted footway immediately adjacent for use as depicted on the attached plan Appendix 1.

#### **7. EQUALITY IMPLICATIONS**

Public rights of way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at point of use.

#### **8. CORPORATE IMPLICATIONS**

None to consider.

#### **9. OPTIONS CONSIDERED**

To refuse Nailsea Town Council's withdrawal of application relating to Mod 97.

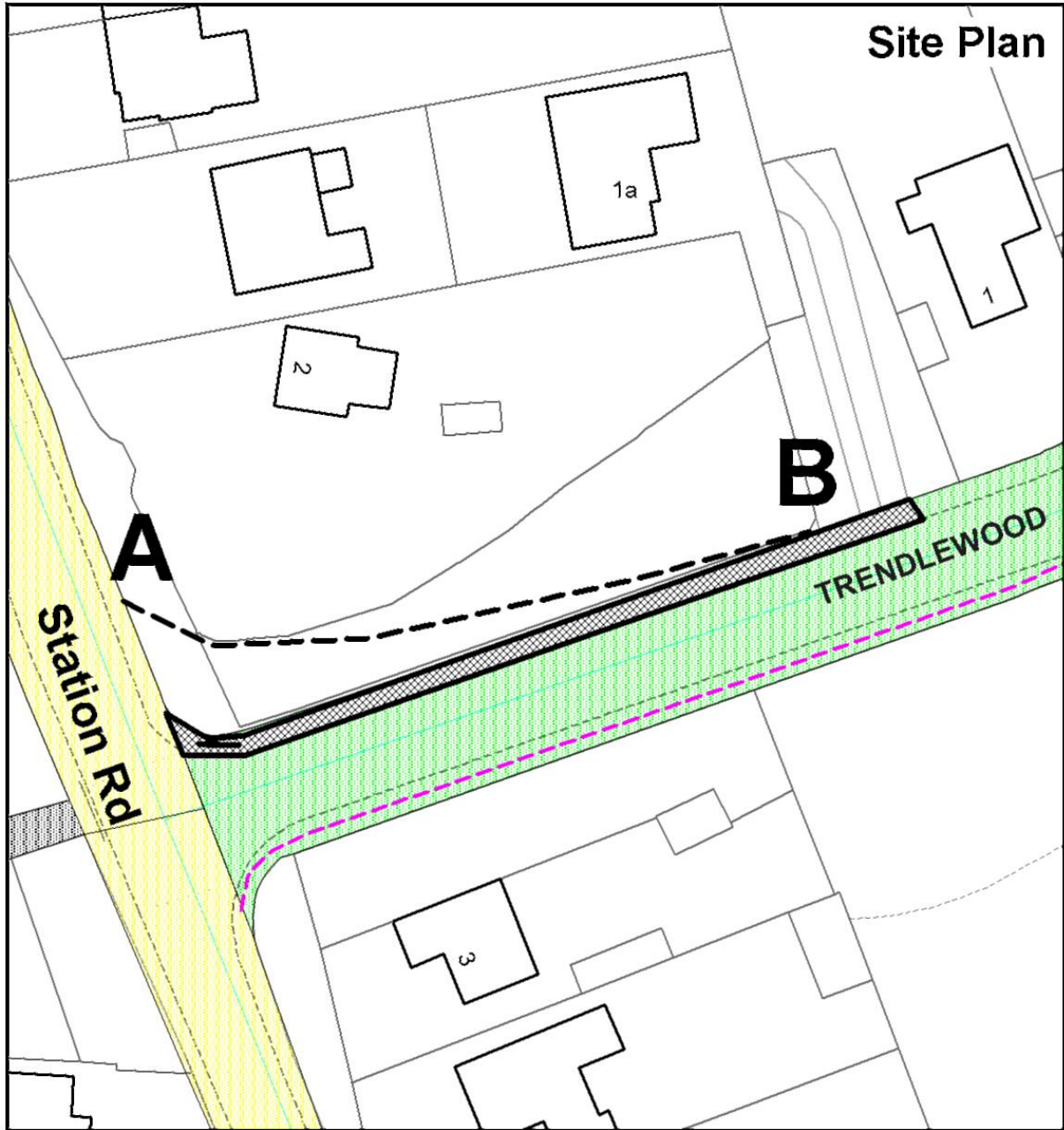
#### **AUTHOR**

Elaine Bowman  
Senior Access Officer Modification  
Access Team Ext 7406

#### **BACKGROUND PAPERS**

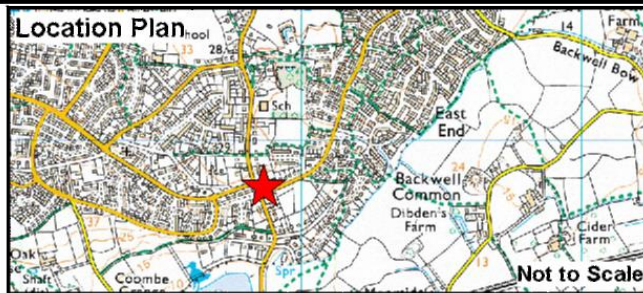
Rights of Way Section








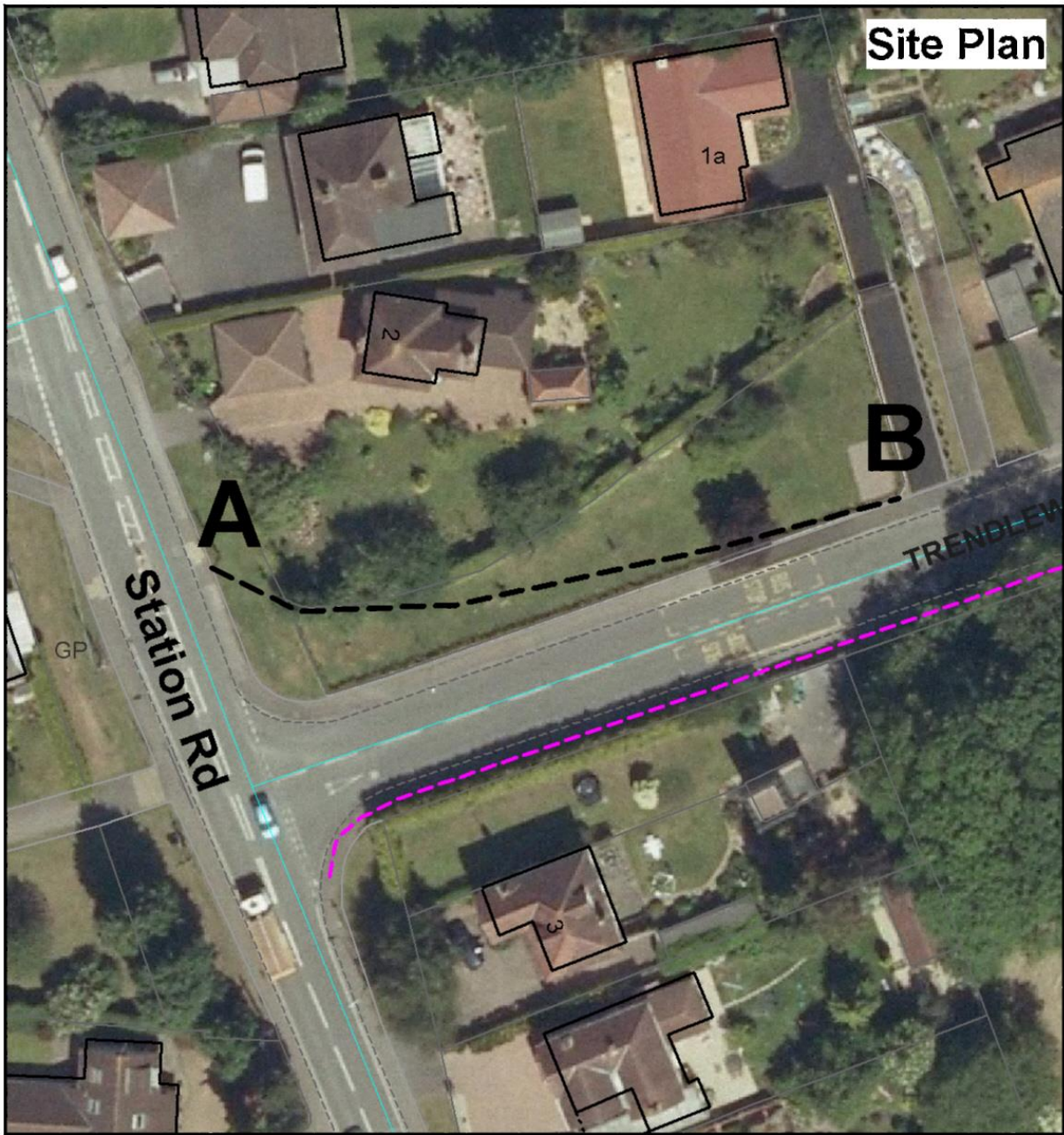
Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council  
**Claimed Footpath from Station Rd to Trendlewood Way Nailsea**

  
**North Somerset COUNCIL**  
 Development & Environment  
 Public Rights of Way  
 Streets and Open Spaces  
 North Somerset Council  
 Town Hall  
 Walliscote Grove Road  
 Weston-super-Mare  
 BS23 1UJ  
 Tel: 01934 888 802



Scale 1:500   
 Date 13 March 2015  
 Grid Ref.  
 Map No. EB/Mod 97  
 Claimed route   
 Adopted Footway 

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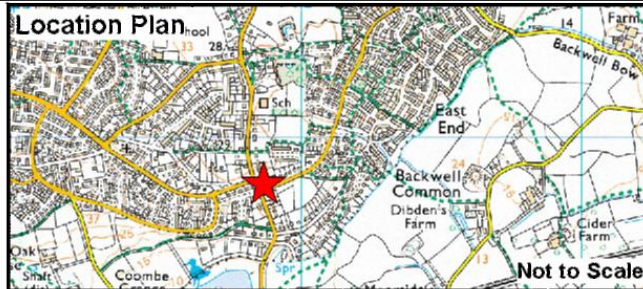
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