

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB-COMMITTEE

DATE OF MEETING:	28TH MARCH 2017
SUBJECT OF REPORT:	CLAIMED BRIDLEWAY/BOAT, ROMAN ROAD, SANDFORD
TOWN OR PARISH:	WINSCOMBE AND SANDFORD
OFFICER/MEMBER PRESENTING:	ELAINE BOWMAN/PENNY PRICE
KEY DECISION:	NO

RECOMMENDATIONS

That the Public Rights of Way Sub-Committee accept the officer recommendation that MOD 53 should be determined out of sequence and give authorisation for this investigation to be undertaken, bringing a further report back to this Committee.

1. SUMMARY OF REPORT

The council's current practice is that Definitive Map Modification Order ('DMMO') claims are dealt with in chronological order of receipt, in accordance with a Report taken to the Public Rights of Way Sub-Committee on 21st April 2004.

An application dated 18th July 2004 was received from Woodspring Bridleways Association, to modify the Definitive Map and Statement for the area by upgrading parts of existing Public Footpaths and adding a Bridleway/Byway Open to All Traffic ('BOAT') along a route known as 'Roman Road' from Station Road through to Hill Road in Sandford; shown as A-B on the plan attached at Appendix 1.

A Public Path Diversion Order ('PPO 162') application has since been submitted to the council, seeking to divert part of Public Footpath AX 29/78 onto the southern half of the claimed DMMO route. Appendix 2 shows the proposal 'Map No. PPO 162'.

2. POLICY

The maintenance of the Definitive Map should be considered as part of the management of the public rights of way network and so contributes to the corporate plan "Health and Wellbeing" and "Quality Places".

3. DETAILS

The DMMO application, MOD 53 submitted under the Wildlife and Countryside Act 1981 claims the upgrading of parts of Public Footpaths AX 29/78 and AX 29/41 and the addition of a Bridleway/BOAT along 'Roman Road', from its northern end at the junction with Station Road, running generally south, south easterly, to the junction with Hill Road, as shown on Appendix 1. The applicants claim that historical documentation supports their claim.

In June 2015, the council received the PPO 162 diversion application, submitted under section 119 of the Highways Act 1980. Amended details were received in August 2015, with an amended proposed 'Schedule of Works' received in January 2016.

The application seeks to divert that part of Public Footpath AX 29/78 in the parish of Winscombe and Sandford from the southern end of the 'unadopted' Roman Road at point A (on proposal 'Map No. PPO 162' [Appendix 2]), running along the eastern side of a commercial orchard to point B. The diverted route would run from point A along a path immediately adjacent the eastern boundary of the orchard, connecting with Public Footpath AX 29/41 at point E.

The applicant's reasons for the application are shown at Appendix 3.

Following 'pre-order' consultations for the diversion, an objection was received due to the fact the proposed diverted footpath would run along part of the claimed route. To overcome this, the owners of the land agreed that they would be willing to dedicate the proposed alternative route as a bridleway if the footpath was diverted.

However, this in turn has led to a large number of further representations being received, expressing objection to the proposed route becoming a Bridleway/BOAT.

Objections have also expressed concern regarding the condition, especially drainage, of the proposed diverted route and potential use by vehicles. Effort has been made to address these concerns however they still remain.

As there are a large number of objections to the proposed diversion, the next stage would be to report the PPO to this Committee, for consideration whether to make a Public Path Diversion Order. However, many representations expressed objection to the diverted route becoming a Bridleway/BOAT.

In addition to the above the applicants for Mod 53 have submitted an Appeal to the Secretary of State for non-determination. This appeal was lodged with North Somerset Council on 11th January 2017.

The existence of these two applications awaiting determination is causing considerable unrest in the locality, it is therefore suggested that determining the Definitive Map Modification Order would address the concerns raised regarding vehicular rights.

Therefore, it appears prudent to first seek determination and outcome of the submitted DMMO application MOD 53, before the PPO 162 matter can be progressed further.

4. CONSULTATION

At this time no formal consultation has been undertaken on MOD 53

5 FINANCIAL IMPLICATIONS

At present the council is required to assess the information available to it to determine whether there is sufficient evidence to support a DMMO application. Other than officer time there will be no financial implications during this process. Once that investigation has been undertaken a further report will be brought to this Committee to seek the relevant authority.

6. RISK MANAGEMENT

Each request to consider an application out of sequence should be carefully considered, having regard to all relevant matters and ensuring a precedence is not set to automatically consider applications in non-chronological order.

This DMMO application is already the subject of an Appeal to the Secretary of State for Environment, Food and Rural Affairs, so an appointed Inspector could direct the council to determine this application within a set time.

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

Any changes to the network will be reflected on the GIS system which forms the basis of the relevant corporate records.

9. OPTIONS CONSIDERED

- 1 To decline this request and continue with the practice of dealing with applications in a chronological order of receipt.
- 2 Deal with this application, which is listed as MOD 53 on the Definitive Map Register, out of sequence.

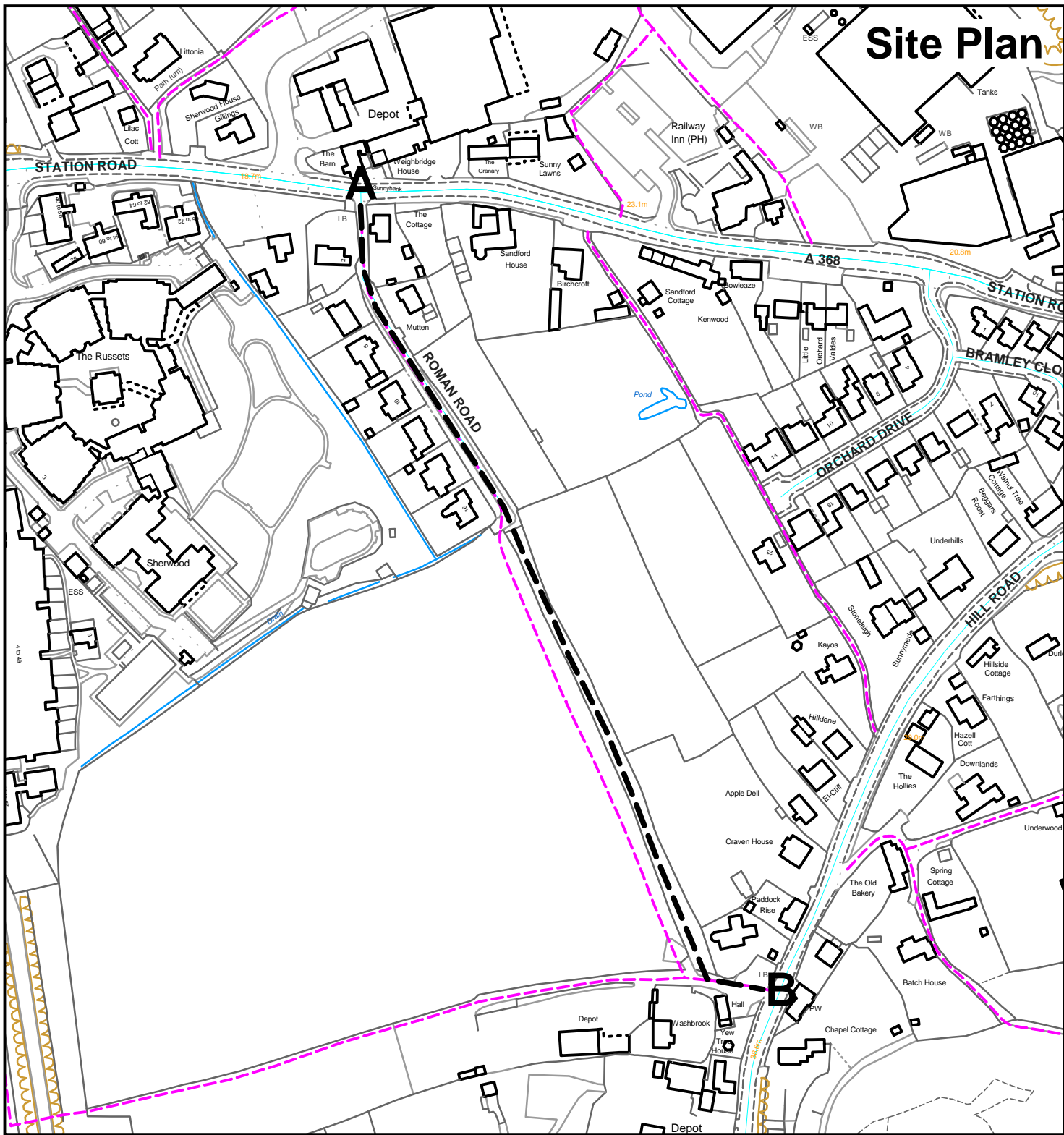
AUTHOR

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Access Support Officer
Public Rights of Way, extension 7467

BACKGROUND PAPERS

Public Rights of Way Section Files ref 'Mod 53' and 'PPO 162' (Files 1 and 2)

Site Plan



Wildlife & Countryside Act 1981 - Section 54 North Somerset District Council

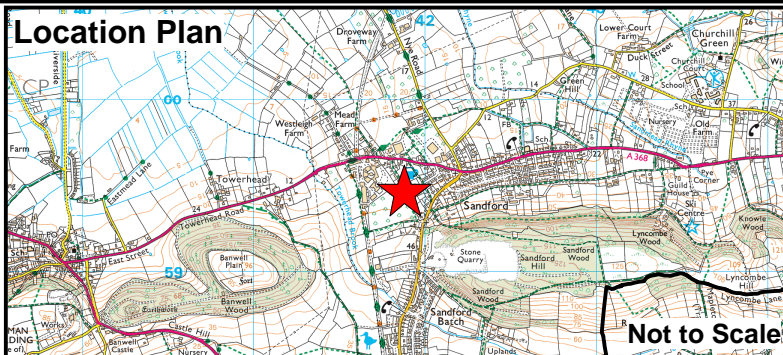
Definitive Map Modification Order Mod 53 Roman Road Winscombe



Development & Environment

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Scale 1:4610



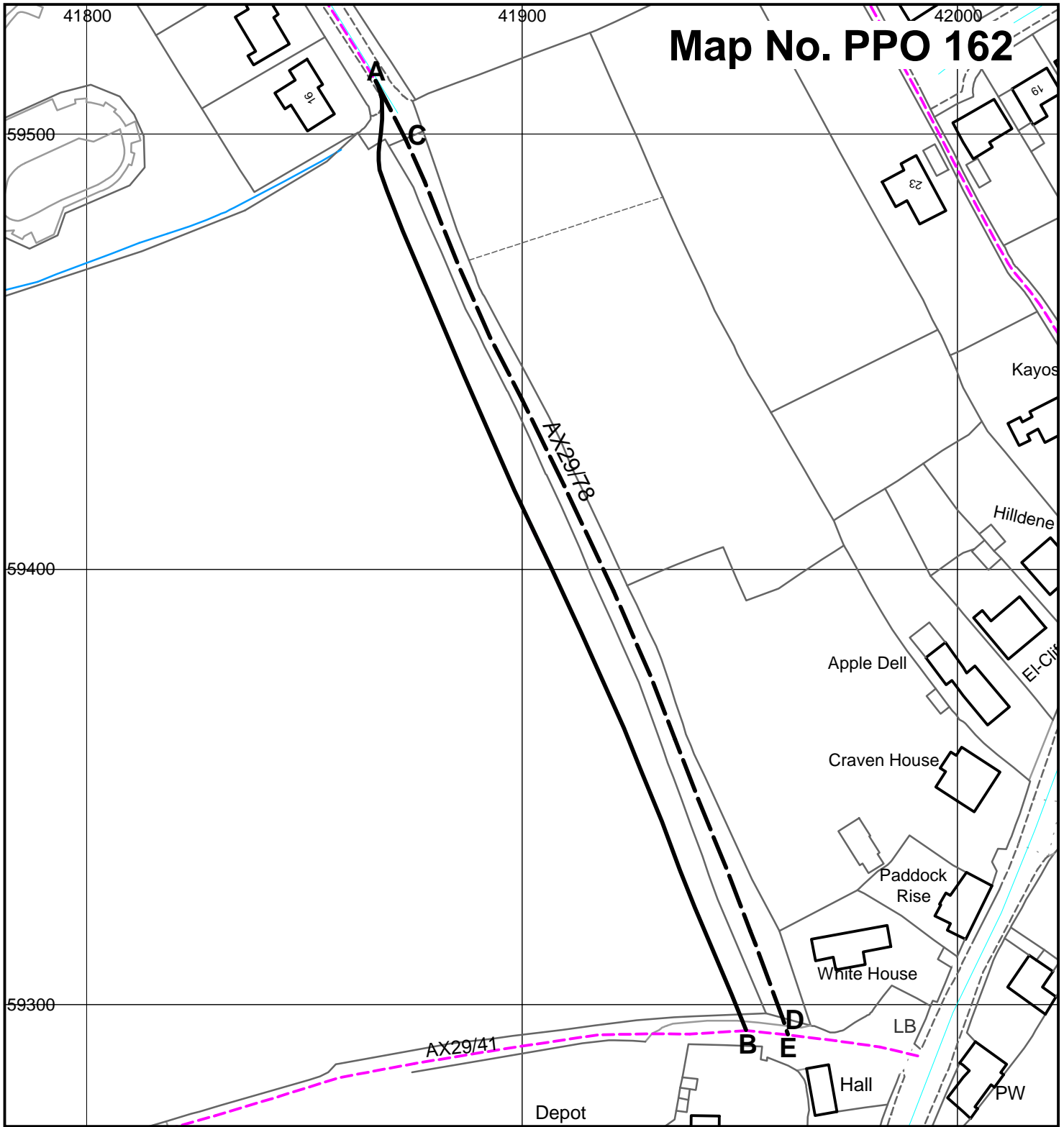
Date 18 May 2016

Grid Ref. ST418594

Map No.

Claimed route

A --- B



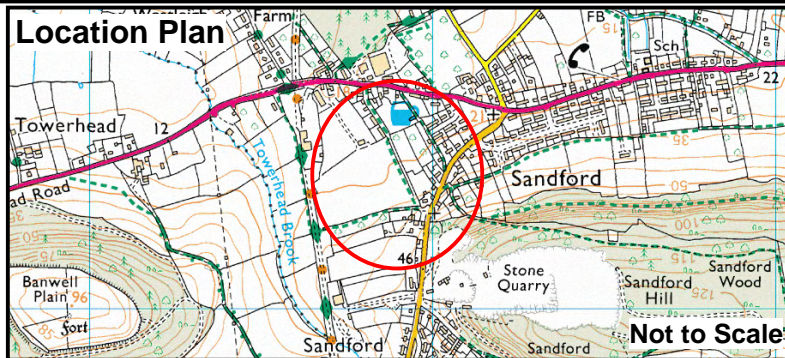
Highways Act 1980 - Section 119 North Somerset District Council
Proposed Public Path Diversion Order
 Part of Public Footpath AX 29/78, Roman Road, Sandford, Winscombe and Sandford



Development & Environment

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Scale 1:1250

Date 30 September 2015

Grid Square ST 4159

Drawn by Penny Price
PATH TO BE DIVERTED

Existing (A-B)

Proposed (A-C-D-E)

Connecting Paths

APPLICANT'S STATEMENT OF REASONS FOR PROPOSED FOOTPATH DIVERSION TAKEN FROM SUBMITTED PUBLIC PATH DIVERSION ORDER APPLICATION PPO 162 – ROMAN ROAD, SANDFORD

The proposed footpath is in fact a route that the public have taken to use over the last 10 years on their own accord due to its convenience and positioning. The diversion of the footpath would be in the interests of both the public and landowner for the following reasons;

The proposed footpath is situated on the Roman Road therefore has the ability to provide greater enjoyment to the public due to its historical interest.

The current path route leads users through land that is regularly used for commercial operations. This involves the use of increasingly large machinery and therefore poses a health and safety risk to the public whilst machinery operations take place, especially because the machinery and the public both use the same access points into the field.

The proposed footpath location will ensure there is a clear divide between the public and machinery as the public will have a clearly defined route along Roman Road as well as separate access points.

Overall, the diversion of the current footpath onto Roman Road provides improved positioning, convenience and health and safety for the public as well as delivering greater enjoyment and enhancing the historic interest of the Roman Road.