

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE

DATE OF MEETING:	28 MARCH 2017
SUBJECT OF REPORT:	CLAIMED FOOTPATH OFF PARSONAGE ROAD
TOWN OR PARISH:	LONG ASHTON
OFFICER/MEMBER PRESENTING:	ELAINE BOWMAN
KEY DECISION:	NO

RECOMMENDATIONS

That the Public Rights of Way Sub Committee authorise the relevant officer to take this application, which is listed as Mod 103 on the Definitive Map Register, and determine it out of sequence.

1. SUMMARY OF REPORT

An application dated 19 March 2015 was received from Long Ashton Parish Council on behalf of residents primarily who live in the Parsonage Road area of Long Ashton. The application is to modify the Definitive Map for the area by adding a footpath to the Definitive Map in the Long Ashton area on land that is owned by Beazer Homes Cardiff Limited. There is local concern that the owners of the land may be considering development of this land following the erection of 2 metre high fencing which now stops access to the field from Parsonage Road. The submitted application is currently supported by evidence forms and correspondence detailing access that has previously been available.

The current practice of the Council is that modification order claims are dealt with in chronological order of receipt. This application is listed as Mod 103. This practice was described in a report to the Public Rights of Way Sub Committee on 21 April 2004.

2. POLICY

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

3. DETAILS

This application made Under Section 53 of the Wildlife and Countryside Act 1980 dated 19th March 2015 was submitted by Long Ashton Parish Council on behalf of residents of Long Ashton. It was accompanied by nine user evidence forms. In addition to this email correspondence has been forthcoming over the last two weeks detailing usage and

concerns. These parties have been invited to complete a User Evidence Form. All of these parties claim that this route has been used by residents of the area, some indicating that such use has been since the properties were built. Such use includes exercising their dogs and for accessing the public rights of way network as part of a longer walk. It has also become a safe route for children to go to the local school thereby avoiding roads which do not always have pavements. The application is accompanied by a plan illustrating the claimed route and is illustrated on the attached plan Appendix 1 as A – B.

The claimed route illustrated in Appendix 1 commences at the end of Parsonage Road marked Point A on the plan, then proceeds in a southerly direction for 69 metres to join the Festival Way and a bridge over Ashton Brook joining Footpath LA12/12 Point B.

Users claim that they have been able to access this field even though the tenant of the land has taken steps to stop cattle escaping into Parsonage Rd, one claiming “these obstructions were to keep the stock in, not the public out”. Such obstructions seem to include gates, barriers and the placing of a water trough. Recent activity by Persimmon Homes, who it is believed have taken over Beazer Homes holdings, has been the erection of 2 metre high palisade fence around the perimeter of the field at this location. This has effectively stopped access. The residents now believe that this field may be being considered for development, which is denied by Persimmon who claim their action is to protect their land.

An email has been received from the Clerk for Long Ashton Parish Council requesting that this matter be brought to the attention of the Committee requesting that Mod 103 be determined out of sequence due to the uncertainty of the future of the land. That document is attached to this report as Appendix 2.

4. CONSULTATION

At this time no formal consultations have been undertaken. Persimmon Homes have been contacted to seek their opinion on the application and to ascertain whether they would be willing to dedicate the route, at this time they are not prepared to enter into such an agreement.

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 the application. Other than officer time there will be minimal financial outlay during this process. Once that investigation has been undertaken, if authority is given for an Order to be made then the Council will incur financial expenditure in line with similar cases already considered. More detail will be given when a further report is brought to this Committee.

6. RISK MANAGEMENT

As this report relates to a request for this application to be taken out of sequence it should be noted that if the committee decline this request, the applicant has the right to appeal to the Secretary of State for Environment, Food and Rural Affairs. The basis of the appeal would be that this authority has failed to determine this application within twelve months of receipt. If authority is given, the landowners affected by this application may consider themselves disadvantaged believing that this matter would not be dealt with at this time, however if authority is given these parties will be consulted and given full opportunity to comment.

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

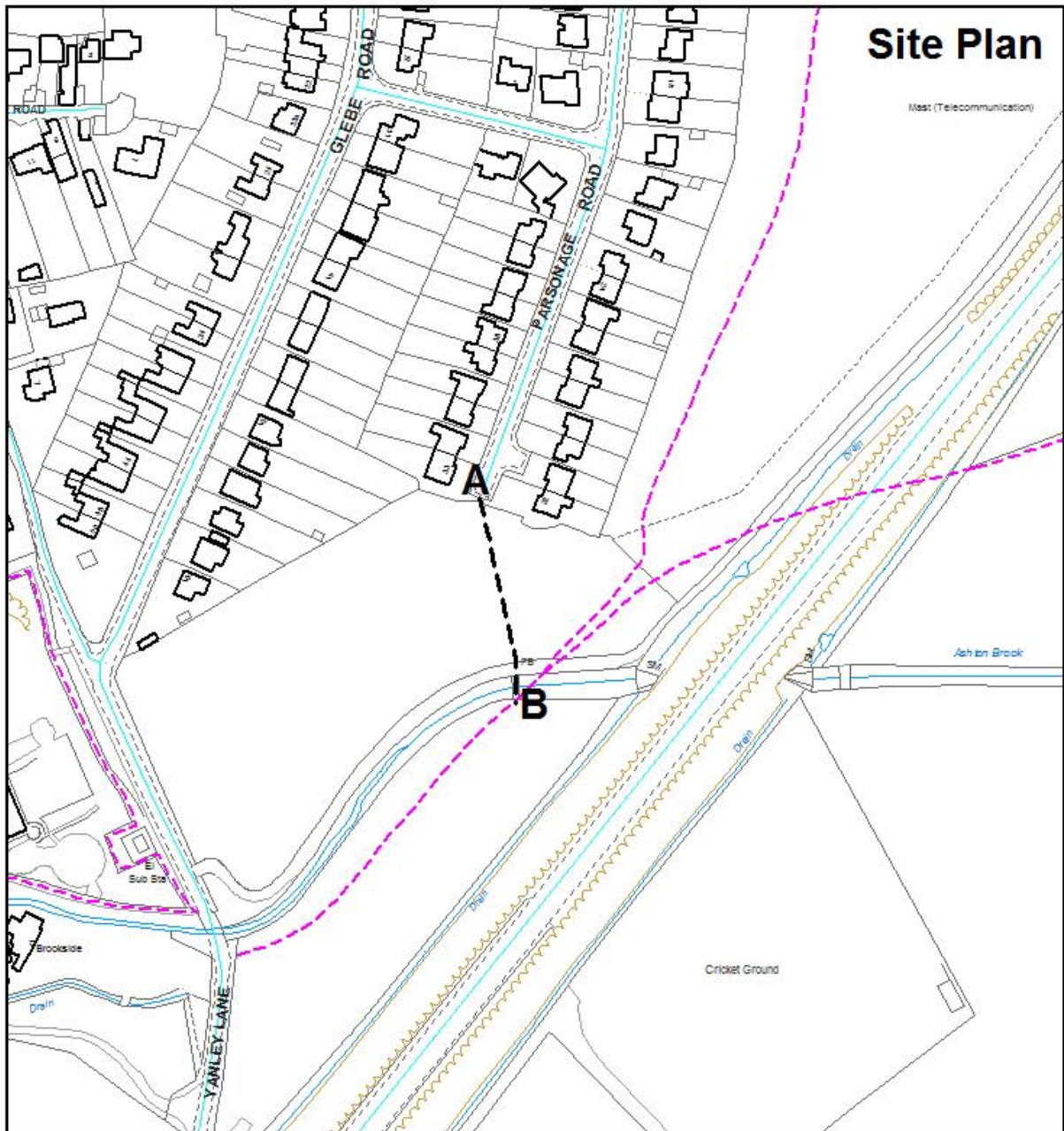
- 1 Continue with the practice of dealing with applications in its chronological order of receipt.
- 2 Deal with this application, which is listed as Mod 103 on the Definitive Map Register, out of sequence.

AUTHOR

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Senior Access Officer Modification
Access Team Ext 7406

BACKGROUND PAPERS

Rights of Way Section
File Ref Mod 103




Wildlife & Countryside Act 1981 - Section 54 North Somerset District Council
MOD 103 - DMMO Application Parsonage Rd Long Ashton
Out of Sequence request.



Development & Environment
 Public Rights of Way
 Streets and Open Spaces
 North Somerset Council
 Town Hall
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 Tel: 01934 888 802



Scale 1:2000 

Date 9 March 2017

Grid Ref. ST 5570

Map No.
 EB/Mod 103

Claimed route

Email from Clerk to Long Ashton Parish Council dated 7 March 2017

Dear Elaine

I am writing to formally ask that the DMMO request for the path across the field at the end of Parsonage Road be taken out of sequence. The PC believes that recent activity by Persimmon Homes (more detail below) indicates that they are preparing a planning application to develop the site so that consideration of the DMMO request has become urgent.

When the original application was made you received from us several statements from residents about the use of the path. I understand that you have received several more over the past few days. If you need more supporting evidence please let me know.

The path has been in use for over 50 years without let or hindrance ever since the houses in Parsonage Road were built, with access being gained via a gate. In particular the path has been used as a safe means of getting to Northleaze School from Parsonage Road since the new school was built in 2006.

The land has been owned by various developers over the years and leased to a local farmer. The land is now owned by Persimmon Homes and over the past two weeks they have become actively involved in the land. They have written to residents living adjacent to the field to request that they remove field gates which have given them access to the field from their gardens. What is more relevant to this application is that Persimmon have erected a 2 m high fence preventing access from Parsonage Road onto the path. Without the path the journey length to Northleaze School is increased significantly and is more hazardous as it involves crossing Glebe Road (as there is no pavement on the Parsonage Road side of Glebe Road) and Yanley Lane at a much less safe place than if the footpath is used and similarly the journey to access the Festival Way is also more hazardous and involves a further crossing of Yanley Lane.

It is thought likely that this activity reflects Persimmon's intention to submit a planning application to develop the site, the action has prevented use of the path and the PC's main concern is to restore access to the path for residents and to restore the safe route to school within a reasonable time frame, and if the application is not taken out of sequence it will be many years before this will happen and it would be unfortunate if an accident were to occur because the path is not available.

If you need any further information please do not hesitate to contact me.

Regards

Janet

Janet Turp
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