

Draft Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Tuesday 15th November 2016

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

Meeting Commenced: 14.00 Meeting Concluded: 15.35 p.m.

Councillors:

P Ann Harley (Chairman)

P Karen Barclay

P James Tonkin

P Terry Porter

P Peter Burden

P: Present

A: Apologies for absence submitted

Officers in attendance:

Elaine Bowman, Development and Environment, John Flannigan, Development and Environment, Tim Nelson, Corporate Services

PRW Public Participation (Agenda Item 1)

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The Chairman reminded public participants that they had five minutes to speak.

Ann Townsend spoke in respect of Agenda Item 7 asking the sub-committee to approve the recommendation made in the officer's report. The Chairman asked for confirmation that access to Portishead Golf Course was currently not restricted to the public. This was confirmed by Ann Townsend.

Theresa Kingston spoke in respect of Agenda Item 6 asking the sub-committee to approve the recommendation in the officer's report.

Elaine Bowman read out a written statement in respect of Agenda Item 6 from Ann Goldthorpe from Woodspring Bridleways Association asking the sub-committee to reject the officer's report. The statement exceeded the allocated five minutes and the Chairman asked Elaine Bowman to finish.

PRW Declarations of Interest by Members (Agenda Item 3)

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None

PRW Minutes of the Meeting held on 29 March 2016 2016 (Agenda Item 4)

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Resolved: that the revised minutes distributed at the meeting to be approved as a correct record.

PRW 17 Mod 20 Claimed Bridleway at Wrington Woods (Agenda Item 6)

Councillor Leimdorfer spoke in favour of the officer's recommendation that the designation of the footpath at Wrington Woods not be designated as a bridleway. The Councillor presented a map which did not detail any public right of way through the woods prior to 1959.

Councillor Burden spoke agreeing that the right of way was unsuitable as a bridleway, but suggested that the committee could approve the right of way as a bridleway and then designate it as unsuitable. Councillor Burden asked Elaine Bowman whether old evidence presented for a previous investigation on this issue in 1995 would be considered. Elaine Bowman answered that she considered whether the new evidence presented would have altered the inspector's opinion in the previous investigation.

Councillor Porter and Councillor Tonkin spoke in favour of the officer's recommendation.

Resolved: the Public Rights of Way Sub Committee authorise the relevant officer to reject this application relating to Mod 20 on the grounds that there is insufficient evidence to support the making of an Order.

PRW 18 Mod 102 Portishead Golf Club Committee Report – Secretary of State's direction (Agenda Item 7)

Elaine Bowman reported that the Secretary of State had issued a direction that Mod 102 should be investigated and reported back to the Public Rights of Way Sub Committee by 28 February 2018, and that the application submitted by Mrs Davey and Mrs Townsend, is determined at the same time as Ms Courtney's application. Elaine Bowman reported that 79 people were to be interviewed in reference to Mod 102.

Councillor Porter asked whether all 79 people needed to be interviewed. Elaine Bowman answered to say that all evidence had to be tested.

Councillor Jolley spoke in favour of the recommendation that both applications be determined at the same time.

Councillor Porter asked for clarification as to the contents of the lease. John Flannigan answered that the land was leased to the tenant by North Somerset Council for 25 years, and the lease did not detail a public right of way.

Councillor Burden suggested that an error had occurred in the lease not detailing a public right of way. Councillor Porter responded to say that the lease cannot be changed and the sub-committee should treat North Somerset Council as it would any other landowner.

Elaine Bowman clarified that there is no public right of way until the applications are determined. There is also an issue of members of the public not keeping to the routes detailed in the applications.

Councillor Burden suggested a recommendation that the officers approach the tenant to request that the route be deemed to be dedicated. John Flannigan confirmed that officers had already approached the tenant to request that the route be deemed to be dedicated, and the tenant had refused.

Resolved:

1. The Definitive Map Modification Order application submitted by Ms E Courtney (Mod 102) is determined before 28 February 2018
2. The Committee agree that the application submitted by Mrs Davey and Mrs Townsend, is determined at the same time as Ms Courtney's application.

PRW 19 Reducing the Definitive Map Modification Order backlog (Agenda Item 8)

Elaine Bowman introduced the report detailing the extensive backlog of definitive map modification orders and suggestions to reduce it.

Councillor Porter asked whether it was necessary for officers to research evidence rather than ask applicants to provide it themselves. Elaine Bowman answered that evidence was largely held by the authority, and any evidence provided by applicants would need to be tested rather than accepted on face value, as decisions may be challenged.

Councillor Burden suggested that applications could be dealt with swiftly if the evidence is heavily weighted on one side. Councillor Porter asked whether it was necessary for all those who complete user evidence forms to be interviewed. Elaine Bowman answered that some user evidence forms may contradict others, and once submitted all need to be tested. John Flannigan answered that the landowner would expect all evidence to be considered, and that while it may save time initially to only consider some of the evidence, this may lead to more challenges to decisions made by the Committee.

Councillor Jolley requested that officers inform the sub-committee what the least number of user evidence forms was that had been accepted in previous applications.

The sub-committee suggested that it could be used in some function to help officers and suggested that this could be looked at in the New Year.

Resolved:

1. Reduce evaluation of historical records to a core of five sources
2. Employ interns to collect and collate historical documentation from the five sources
3. Undertake this approach for a trial period of 12 months (from the date of this committee) continuing to deal with applications in a chronological order.

Chairman
