

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB COMMITTEE

DATE OF MEETING: 26 JULY 2017

SUBJECT OF REPORT: FOOTPATH AX30/82 STATION RD

TOWN OR PARISH: WRINGTON

OFFICER/MEMBER PRESENTING: ELAINE BOWMAN

KEY DECISION: NO

RECOMMENDATION

That the Public Rights of Way Sub Committee authorise the relevant officer to close the file relating to Mod 100, noting that the confirmation of (Footpath AX30/82 Station Road, Wrington) Definitive Map Modification Order No 1 2014 is no longer necessary.

1. SUMMARY OF REPORT

An application dated 15 May 2013 was received from Wrington Parish Council requesting the modification of the Definitive Map for the area by adding a Byway Open to All Traffic over land between Station Rd and The Glebe Wrington formerly known as the Old Doctors Surgery. That application was considered by the PROW Sub Committee on 18 March 2014 when authority was given for an Order to be made. Wrington Parish Council now wish their application to be abandoned for the reasons given within their letter attached to this report.

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

The application was received dated 15 May 2013 from Wrington Parish Council on behalf of the residents of Wrington.

This matter was presented to the Public Rights of Way Sub Committee on 18 March 2014 where the Committee 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.

On 10 July 2014 a legal order, North Somerset District Council (Footpath AX30/82 Station Rd Wrington) Definitive Map and Statement Modification Order No 1 2014 was made and advertised.

Following advertisement 2 objections were received, one from the owners of the land who wished to develop it by building houses and the other from a neighbouring property.

Despite discussion with MedCentres Ltd, owners of the land no agreement could be reached and that Order remained dormant.

I was later advised by Medcentres Ltd that the ownership of this area had changed. Further investigation revealed that the new owners had gained further planning permission, which contained detail that this area of land was to be transferred to Wrington Parish Council. Discussion with Wrington Parish Council confirmed that they would be happy to dedicate a footpath across this land on a line slightly different to that shown in the legal order (**Appendix 1**).

Following the successful transfer to Wrington Parish Council, they entered into a Public Path Creation Agreement dedicating the route shown on the attached plan (**Appendix 2**) (which is a very similar route to that contained within the Order made on the 10 July 2014) as public Footpath AX30/82. This agreement was sealed by North Somerset on 6 April 2017.

As the Legal Order Modification Order No 1 2014 still remains undetermined, Wrington Parish Council have submitted a written request for their original application to be abandoned. A copy of their letter is attached as **Appendix 3**

4. CONSULTATION

No formal consultations have been undertaken

5. FINANCIAL IMPLICATIONS

This request places no financial implications upon the Council.

6. RISK MANAGEMENT

This report relates to the removal of an application from the Definitive Map Modification Order Section 53 Register. As this matter had already been determined and a case made for not establishing rights higher than footpath, it is felt that this request is acceptable.

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 Wrington Parish Council's request for the withdrawal of the application relating to Mod 100.

AUTHOR

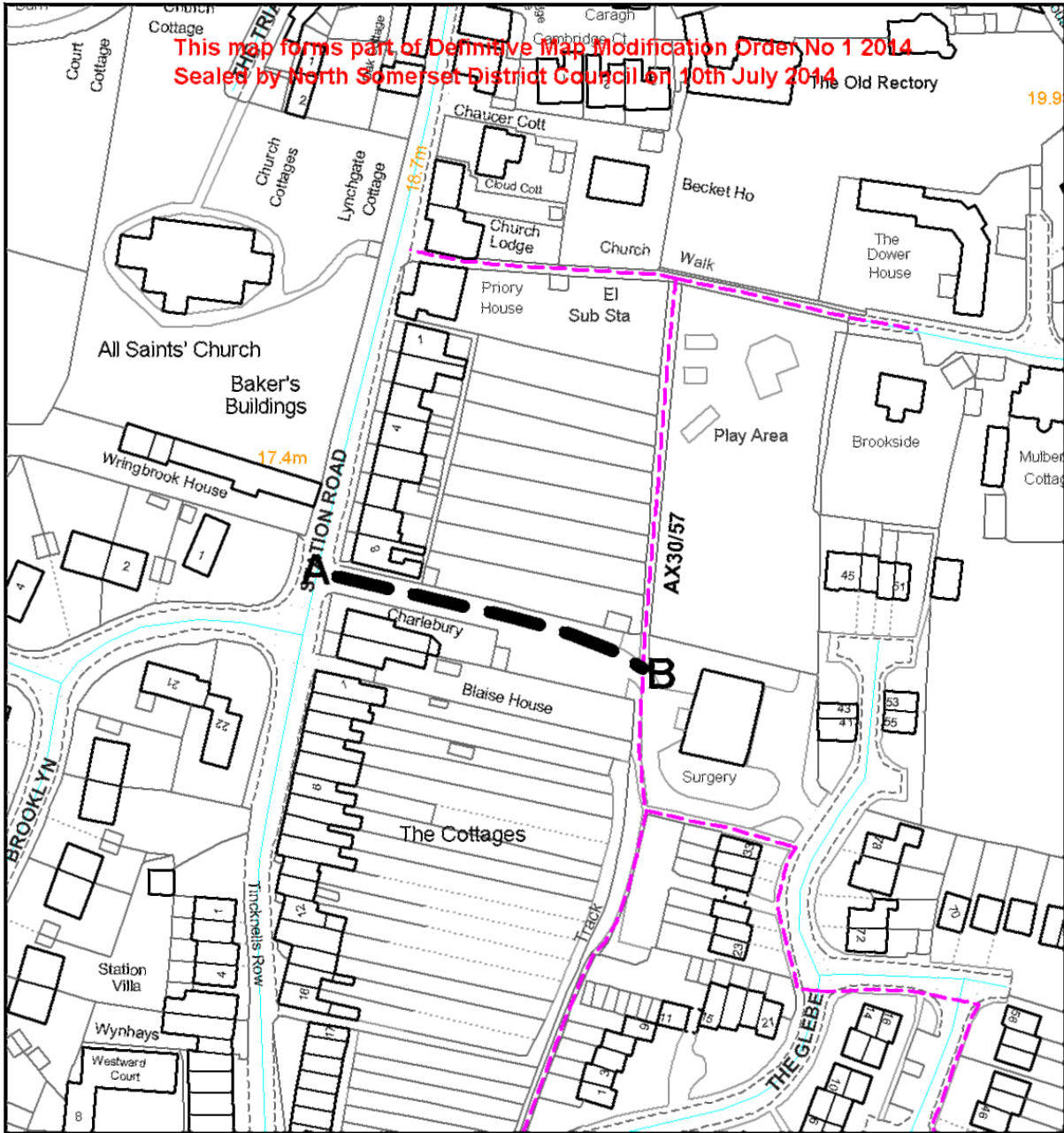
Elaine Bowman
Senior Access Officer Modification
Access Team Ext 7406

BACKGROUND PAPERS

Rights of Way Section
File Ref Mod 100

APPENDIX 1

Definitive Map Modification Order No 1 2014 Plan



Wildlife & Countryside Act 1981 - Section 53 North Somerset District Council

Definitive Map Modification Order No.1 2014

Footpath AX30/82 Station Road Wrington



Development & Environment

Public Rights of Way
Streets and Open Spaces
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Tel: 01274 888 802



Scale 1:1250

Date 4 July 2014

Grid Ref. ST6826

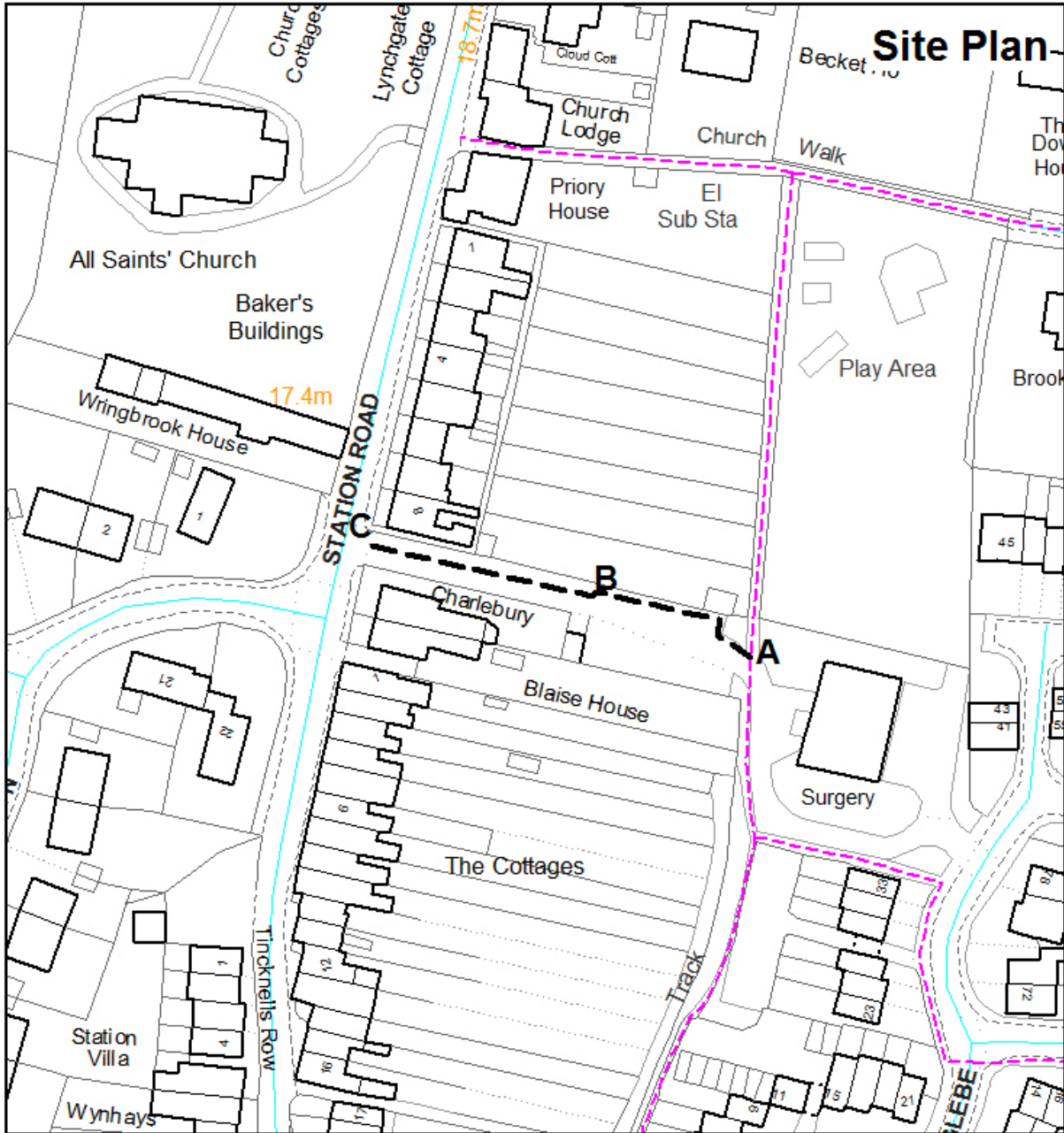
Map No. EB/Mod 100

Claimed route



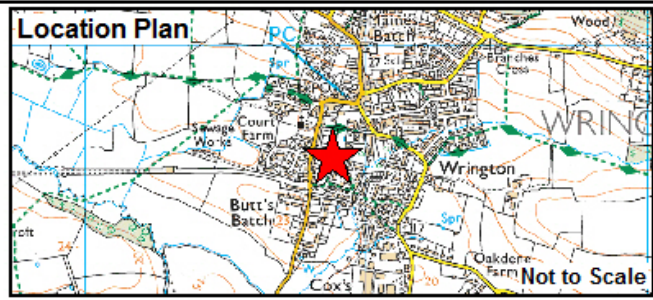
APPENDIX 2

Footpath AX30/82 Wrington Public Path Creation Agreement dated 6 April 2017 Plan



Highways Act 1980 - Section 25 North Somerset District Council
Footpath AX30/82 Wrington Public Path Creation Agreement
Wrington Parish Council

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



Scale 1:1000
 Date 6 February 2017
 Grid Ref. ST4662
 Map. No. EB/Mod 100
 Path to be created ————
 Connecting Paths - - - - -

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WRINGTON PARISH COUNCIL

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Tel 01934 863984 Email: clerk_wrington@hotmail.com

27 March 2017

Mrs Elaine Bowman
Public Rights of Way
North Somerset Council
Town Hall
Weston-super-Mare
BS23 1UJ



Dear Mrs Bowman

**Wildlife and Countryside Act 1981 – Section 53 and Schedule 14
(Footpath AX30/82 Station Road, Wrington)
Definitive Map and Statement Modification Order No. 1 2014**

Thank you for your letter dated 3 March 2017 concerning the Outstanding Definitive map Modification Order sealed by North Somerset Council as referred to above.

As requested, we are writing to confirm that as applicants we now request the abandonment of Definitive Map Modification Order No 1 2014 made 10 July 2014.

The reason for this request is that since the making of the Definitive Map Modification Order, which was objected to, the ownership of the land has changed and this is now owned by the Parish Council. Following discussion with the former landowner and North Somerset Council, an agreeable footpath alignment has been established which has been dedicated by Wrington Parish Council as Footpath AX30/82 and this is now recorded on the Definitive Map for the area.

Please let us know if you require any further information.

Yours sincerely


David Glynn
Chair, Wrington Parish Council