

Draft Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Tuesday 28th March 2017

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

Meeting Commenced: 14:00 Meeting Concluded: 15.10 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) **20**

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

Jonathan Cheal, representing owners of part of Locking Head Drove, spoke on Agenda Item 7 in support of the officer's recommendation to deny the making of a Definitive Map Modification Order.

Nigel Moorcroft spoke in respect of Agenda Item 8, in support of the officer's recommendation to 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.

John Ives spoke in respect of Agenda Item 8, opposing the officer's recommendation.

Ann Townsend and Janet Davey spoke in respect of Mod 102 Portishead Golf Club, highlighting the ongoing use that is being made of the land and providing statistical documentation which they wish to be taken into consideration at the end of the trial period.

Elaine Bowman read out statements from Cresten Boase, and Nael and Vivienne Rosario with regards to Agenda Item 6 objecting to the officer's recommendation that MOD 53 should be determined out of sequence.

PRW 21 Declarations of Interest by Members (Agenda Item 3)

None

PRW 22 Minutes of the Meeting held on 15 November 2016 (Agenda Item 4)

Councillor Burden suggested an amendment to the last paragraph of PRW 18, to read: "Councillor Burden suggested a recommendation that the council deemed the route be to be dedicated."

Resolved: that the minutes as amended be approved as a correct record.

PRW 23 Definitive Map Modification Orders to Secretary of State update (Agenda Item 9)

It was agreed that Agenda Item 9 be brought forward on the agenda.

John Flannigan gave an update on a recent letter from the Planning Inspectorate (acting on behalf of the Secretary of State) instructing North Somerset Council to determine twenty applications for Definitive Map Modification Orders out of sequence. This letter was distributed at the meeting. Eight must be determined by December 2017, six by June 2018, and six by December 2018. The officers do not believe they can achieve this with the current resources available, and will be seeking extra resource. Currently, the Public Rights of Way team is composed of three and a half full-time equivalent staff, but with only one full-time equivalent staff working on DMMO applications. The team is currently at capacity. John Flannigan suggested that extra Public-Rights of Way Sub-Committee meetings may also be needed to consider these directions once determinations have been made.

Whilst there had not been much time to draw complete conclusions since the receipt of the Planning Inspectors direction it was considered at this time that the most appropriate action would be to seek to meet the deadlines given.

Councillor Porter indicated Item 13 of the direction letter, which notes that many authorities delegate decision making on modification orders to officers, and that the Act does not require consensus from landowners to be sought. It also notes that in some cases large numbers of interviews of users may not be needed.

Elaine Bowman pointed out that officers aimed to collect as much evidence as possible in case a decision is appealed to avoid the need for further evidence to be collected at a later date.

Councillor Tonkin asked for an indication of what extra resource was likely to be needed.

John Flannigan indicated that there had not been adequate time, since the letter was received, to evaluate what extra resources may be needed, and officers would need to report this to the committee at a later date.

Councillor Burden suggested that perhaps all current applications could be rejected, to clear the backlog, and it would be the decision of the applicants whether to then appeal.

Councillor Harley suggested that officers decide what extra resource would be needed, then report back to the sub-committee at a later date.

Resolved: that officers give an informal briefing to the Public Rights of Way Sub-Committee, and that the Chairman of the Planning and Regulatory Committee be invited to attend the meeting.

PRW 24 Mod 53 Roman Road Sandford (Agenda Item 6)

Elaine Bowman indicated that Mod 53 was included in the letter from the Planning Inspectorate instructing North Somerset Council to take the application out of sequence. A further report relating to the diversion of Footpath AX29/78, PPO 162 will be brought to the next Sub-Committee meeting.

Resolved: that the instructions of the Planning Inspectorate be noted, and that a further report will be discussed at the next meeting.

PRW 25 Mod 19 Locking Head Drove (Agenda Item 7)

Elaine Bowman reported that although this route is shown on historical maps the evidence produced by the owners of the land satisfied the test to show lack of dedication.

Councillor Porter suggested that the officer's recommendation be supported.

Resolved: that the Public Rights of Way Sub Committee deny the making of a Definitive Map Modification Order because there is insufficient evidence to support it.

PRW 26 Mod 103 Parsonage Road Long Ashton (Agenda Item 8)

Elaine Bowman reported that the recommendation to determine the application out of sequence is due to concerns that the route has been closed off denying access to users. The owners refused to dedicate the route when they were approached. There is also a concern that the land may be used for development. Taking this application out of sequence would mean determination after the twenty applications the Planning Inspectorate has instructed North Somerset Council to determine.

Resolved: 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, after the items listed in the Planning Inspectorates Direction letter have been determined.

Chairman
