

Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Wednesday, 26th July 2017

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

Meeting Commenced: 2pm

Meeting Concluded: 3.30pm

Councillors:

P Ann Harley (Chairman)

A Karen Barclay

P Peter Burden

P Terry Porter

P James Tonkin

P: Present

A: Apologies for absence submitted

Officers in attendance: Elaine Bowman (Development and Environment), Tim Nelson (Corporate Services), Penny Price (Development and Environment)

PRW Election of Chairman (Agenda Item 1)

1

It was noted that at the Annual Council meeting on 9 May 2017 Councillor Harley was elected Chairman for the 2017/18 Municipal Year.

PRW Public Participation (Agenda Item 2)

2

The Chairman reminded public participants that they each had five minutes to address the sub-committee.

1. Mr Graham Baber addressed the sub-committee in respect of the proposed footpath diversion at Pigeon House Farm, Wrington explaining his concerns regarding the effect the PROW has on his farming practices, stating that the proposed alternative routes have the support of the Ramblers Association and Open Spaces Society. The landowner confirmed the works which he would be undertaking. (Agenda item 11 refers).

2. Mr Ian Armstrong addressed the sub-committee in respect of the proposed footpath diversion at Roman Road, Winscombe and Sandford. He read out a prepared statement detailing his knowledge of the footpath since coming to the area and expressing his concerns regarding the condition of the proposed alternative route and works to be undertaken. He asked that this application be rejected as ownership of the alternative route was not evident. He also conveyed the apology of Ms Creston Boase who had been unable to attend. (Agenda item 7 refers).

The Chairman thanked the speakers for their address.

PRW Declarations of Interest by Members (Agenda Item 4)

3

None.

PRW Minutes of the Meeting held on 28 March 2017 (Agenda Item 5.1)

4

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

**PRW Proposed Diversion of Part of Public Footpath AX 29/78 Roman Road,
5 Winscombe and Sandford (Agenda Item 7)**

The representative of the Director of Development and Environment presented the report. She advised members that ownership of the proposed diversion route had been brought into question and that the applicants were trying to locate proof of their ownership. She therefore advised the sub-committee that as a result of this they now had three options open to them, as follows:

- (i) to defer this item;
- (ii) to determine the item at this meeting and to resolve to make a diversion order, adding a caveat to only make an order once the land ownership issue is resolved; or
- (iii) to abandon the public path diversion order.

The sub-committee agreed to proceed with determining the matter at this meeting. Having received a further presentation from the representative of the Director of Development and Environment it was

Resolved:

(1) that, subject to the resolution of the issue of land ownership, the Sub-Committee approve the making of a Section 119 Public Path Diversion Order for Footpath AX29/78; and

(2) that, if no objections are received, the Public Path Diversion Order be subsequently confirmed or, if objections are received when the Order is published or, if objections are received and sustained, the Order be forwarded to the Secretary of State for determination, and the Order be promoted in any subsequent proceedings.

(After consulting fellow committee members Cllr Tonkin declared a personal, non-prejudicial interest in this matter, having previously undertaken work for the landowners. Apologising for not having made this interest known sooner, Councillor Tonkin advised that the identity of the landowners had had only become apparent to him during the Sub-Committee's consideration of the application)

**PRW Proposed Diversion of Part of Public Footpath AX 29/14 Banwell Road,
6 Winscombe and Sandford (Agenda Item 8)**

The representative of the Director of Development and Environment presented the report detailing the applicant's reasons for the application and the objections which had been received.

Resolved:

(1) that the sub-committee approve the submission of 'North Somerset District Council (Part of Footpath AX 29/14, over land west of A371 Banwell Road, Winscombe and Sandford) Public Path Diversion Order No. 1 2017' to the Secretary of State for Environment, Food and Rural Affairs with a request for confirmation; and

(2) that the sub-committee approve the council's promotion of the Diversion Order in any subsequent proceedings.

PRW Mod 51 – Bridleway Claim Nye Road, Banwell (Agenda Item 9)

7

The representative of the Director of Development and Environment presented the report detailing the information contained within.

Resolved:

(1) that the sub-committee authorise the making of a Definitive Map Modification Order adding the route A-B-C-D shown on the attached plan EB/Mod 51 as a Bridleway to the Definitive Map on the grounds that there is sufficient evidence to show that this has been established under Section 53 of the Wildlife and Countryside Act 1981; and

(2) that if no objections are made and sustained, the Order be subsequently confirmed, or, if objections are made, that the Order will be forwarded to the Secretary of State for determination. In this event, subject to officers being content that there was no significant change to the balance of evidence, the Council will support the Order at any subsequent Public Inquiry.

**PRW Proposed Diversion of Footpath LA 19/48 and Part of Footpath LA 19/50
8 Kingston Lane/Market Place, Winford (Agenda Item 10)**

The representative of the Director of Development and Environment presented the report detailing the applicant's reasons for their application and the one outstanding objection.

Resolved:

(1) that the sub-committee approve the submission of 'North Somerset Council (Footpath LA 19/50 and part of Footpath LA 19/48, over land between Kingston Lane and Market Place, Winford) Public Path Diversion Order No. 2 2017' to the Secretary of State for Environment, Food and Rural Affairs with a request for confirmation; and

(2) that the sub-committee approve the council's promotion of the Diversion Order in any subsequent proceedings.

**PRW Proposed Diversion of Footpath AX 30/18 and Part of Footpath AX
9 30/16 Pigeon House Farm, Wrington (Agenda Item 11)**

The representative of the Director of Development and Environment presented the report detailing the applicant's reasons for their application and the one outstanding objection.

Resolved:

(1) that the sub-committee approve the making of a Section 119 Public Path Diversion Order for Footpaths AX 30/18 and part of Footpath AX 30/16; and

(2) that if no objections are made and sustained, the Order be subsequently confirmed, or, if objections are received and sustained, the Order be forwarded to the Secretary of State for determination, and the Order be promoted in any subsequent proceedings.

PRW 10 Mod 18 – Claimed Bridleway at Spying Copse, Wrington (Agenda Item 12)

The representative of the Director of Development and Environment presented the report detailing the content within.

Resolved: that the sub-committee authorise officers to reject this application relating to Mod 18 Spying Copse to the A38 on the grounds that there is insufficient evidence to suggest that the decision of the Inspector would have been different if new evidence had been presented at Inquiry.

PRW 11 Mod 100 – Footpath AX 30/82 Station Road to Glebe Road, Wrington (Agenda Item 13)

The representative of the Director of Development and Environment presented the report explaining that a legal order had been made which had now been superseded by a Creation Agreement.

Resolved: that the sub-committee authorise officers 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.

PRW 12 Mod 20 – Secretary of State Direction Order at Wrington Woods, Congresbury (Agenda Item 14)

The representative of the Director of Development and Environment presented the report advising the Committee that North Somerset Council had been directed by the Secretary of State to make a legal Order.

Resolved: that the sub-committee object to the making of the Order and oppose the confirmation of the Order when forwarded to the Secretary of State for determination.

Chairman
