

Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Wednesday, 15th November 2017

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

Meeting Commenced: 2pm

Meeting Concluded: 2.45pm

Councillors:

P Ann Harley (Chairman)

P Karen Barclay

P Terry Porter

P Peter Burden

P James Tonkin

P: Present

A: Apologies for absence submitted

Officers in attendance: Elaine Bowman (Development & Environment), Heather Sanders (Corporate Services)

PRW Public participation (Standing Order 17) **20 Blackberry Lane, Weston-in-Gordano**

Local resident Neville Hall addressed the Sub-Committee concerning an application to change the designation of Blackberry Lane. Mr Hall told the Sub-Committee that a wooden gate adjacent to his property gave access to Middle Hill Common, although now only the gatepost remained. He referred to legal documentation in his possession describing a Definitive Right of Way which he considered countered any claimed bridleway. Mr Hall urged the Sub-Committee to fully consider the available evidence when determining the application.

PRW Public participation (Standing Order 17) **21 Havyatt Common, Wrington**

Local resident Andrew Brown addressed the Sub-Committee concerning claimed routes at Havyatt Common. Mr Brown told the Sub-Committee that route A-B used to be a cart track, route C-D went across the common and route D-E Copthorne Lane was designated as a bridleway, although he was unsure of the extent or classification. He referred to correspondence describing this route as an occupation road and told the Sub-Committee that property owners were responsible for its maintenance.

PRW Public participation (Standing Order 17) **22 Duck Lane, Churchill**

Clarifying a point made in his consultation response local resident Peter Harrison told the Sub-Committee that the new storm water drain laid in Ladymead Lane as the outflow from Broadoak Estate, had created a stream which ended in a vertical outfall beside the private gated vehicular entrance to his property.

PRW 23 Suspension of Standing Orders

Resolved: that the Standing Orders be suspended to enable someone who did not meet the eligibility criteria for public participation, to address the Sub-Committee.

The Sub-Committee then proceeded with the Standing Orders suspended.

Representing a local land owner Mrs M P Masters, a resident of Wincanton in Somerset, addressed the Sub-Committee regarding claimed routes in Churchill. Mrs Masters told the Sub-Committee that the question to be determined was whether Somerset County Council had made an error in recording the claimed routes on the Definitive Map. Commenting that in her opinion this was not the case, Mrs Masters told Members that she was in agreement with the officer's conclusion as there was no evidence to support the claim.

The Sub-Committee's proceedings under the provisions of the Standing Orders then resumed.

PRW 24 Declaration of Disclosable Pecuniary Interest (Standing Order 37)

None.

PRW 25 Minutes of the Meeting held on 27 September 2017 (Agenda item 4)

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

PRW 26 Claimed Byway Open to all Traffic Blackberry Lane, Weston-in-Gordano (Agenda item 6)

The Director of Development & Environment reported on a Secretary of State Direction dated 21 March 2017, relating to applications for claimed routes within the parish of Weston-in-Gordano. The report invited the Sub-Committee to determine whether the claimed routes should be recorded as Byways Open to all Traffic.

Resolved:

1) that the making of a Definitive Map Modification Order for the routes A-B-C-D and C-F-E be not authorised on the grounds that there is insufficient evidence to show that Byway Open to all Traffic rights have been established;

- 2) that the relevant Officer be authorised to make a Definitive Map Modification Order for the route A-B-C-D on the grounds that there is sufficient evidence that Bridleway rights have been established.

PRW 27 Claimed Bridleway Havyatt Common, Wrington (Agenda item 7)

The Director of Development & Environment reported on a Secretary of State Direction dated 21 July 2017, relating to applications for claimed routes within the parish of Wrington. The report invited the Sub-Committee to determine whether the claimed routes should be recorded as a Bridleway.

The representative of the Director of Development & Environment reported that further evidence had been submitted by the applicant. Tabling copies of these documents she commented that these might provide some clarity about the claimed routes once the necessary research has been undertaken. Responding to Members' concerns about not meeting the deadline for determination of the application as directed by the Secretary of State, the Director of Development & Environment's representative sought to re-assure the Sub-Committee that in light of the new evidence presented the authority would not be criticised if the 31 December deadline was not met.

Resolved:

- 1) that consideration of the application be deferred until the next meeting pending further investigation of the additional evidence received; and
- 2) that the Secretary of State be notified of the reasons for not determining the application in accordance with the Direction.

PRW 28 Claimed Byway Open to all Traffic Duck Lane to Ladymead Lane, Churchill (Agenda item 8)

The Director of Development & Environment reported on a Secretary of State Direction dated 21 July 2017, relating to applications for claimed routes within the parish of Churchill. The report invited the Sub-Committee to determine whether the claimed route should be recorded as a Byway Open to all Traffic.

Resolved: that the application be denied as there is insufficient evidence to support the making of a Definitive Map Modification Order.

Chairman
