

Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Wednesday, 24th January 2018

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

Meeting Commenced: 2pm

Meeting Concluded: 2.40pm

Councillors:

P Ann Harley (Chairman)

P Karen Barclay

P Peter Burden

P Terry Porter

P James Tonkin

P: Present

A: Apologies for absence submitted

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

PRW Public participation (Standing Order 17) **29 Portishead Golf Course MOD 102**

Local resident Ann Townsend addressed the Sub-Committee concerning claimed routes at Portishead Golf Course. Commending the thoroughness of the officer's investigation Mrs Townsend told the Sub-Committee that prior to the current lessee's actions the land in question had been dedicated for public enjoyment in perpetuity, Inviting the Sub-Committee to right this wrong, she urged people to take full advantage of the spectacular views across the Severn Estuary and beyond from this favoured vantage point.

PRW Suspension of Standing Orders **30**

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 proceeded with the Standing Orders suspended.

Speaking on behalf of landowners Mr & Mrs Edwards and Mr D Legg, Jonathan Cheal from Moger Drewett LLP of Wells in Somerset, addressed the Sub-Committee regarding a claimed route at Locking Head Drove, Locking. Mr Cheal told the Sub-Committee that he believed that the Inspector's decision was flawed and referring to new evidence available he urged the Sub-Committee to oppose the making of an order.

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

PRW 31 Declaration of Disclosable Pecuniary Interest (Agenda item 3)

Referring to agenda item 8 Councillor James Tonkin advised that the company he owned had, in the past, been contracted to Thatchers Cider.

PRW 32 Minutes of the Meeting held on 15 November 2017 (Agenda item 4)

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

PRW 33 Wildlife and Countryside Act 1981 Section 53 and Schedule 14 Secretary of State Direction Order at Locking Head Drove, Locking (Agenda item 6)

The Director of Development & Environment reported on a Secretary of State Direction, relating to a claimed route within the parish of Locking. The report informed the Sub-Committee that due to the unprecedented number of Definitive Map Modification Order determinations resulting from Secretary of State Directions, the Public Rights of Way Section was reviewing the Council's future position to objected or directed Orders because of the number of potential Public Inquires that could ensue.

The Director of Development & Environment's representative now reported that Legal Advice had been received that the decision on stance to be taken on each application brought before the Public Rights of Way Sub-Committee should be determined by the Sub-Committee.

Resolved:

- 1) that the Secretary of State Direction to make a Definitive Map Modification Order to record Locking Head Drove as a Public Bridleway be noted; and
- 2) that the relevant officer be authorised to object to the making of the Bridleway Order and to represent the Council objecting to the made Order at any future Hearing or Public Inquiry.

PRW 34 Claimed Bridleway Havyatt Common (Agenda item 7)

The Director of Development & Environment reported on claimed bridleways that crossed Havyatt Common within the parish of Wrington. Consideration of this matter had been deferred by the Sub-Committee at the previous meeting due to the late submission of additional evidence, which once researched had been found to support the making of a Definitive Map Modification Order for each of the routes concerned. Members were asked to note that reproduction of the Burrington and Wrington Enclosure Award 1913 had been made possible by the kind permission of the South West Heritage Trust ref: Q/Rde/161.

Resolved: that the relevant Officer be authorised to make a Definitive Map Modification Order for the routes A-B and C-D on the grounds that there is sufficient evidence that Bridleway Rights have been established.

PRW 35 Proposed Public Path Diversion Orders under Town and Country Planning Act 1980 and Highways Act 1980, land north of Station Road/west of Nye Road and north of Sandmead Road/east of Nye Road, Sandford. Public Footpaths AX 29/76, AX 29/50 and AX 29/49 (Agenda item 8)

The Director of Development & Environment reported on proposals to divert public footpaths within the parish of Winscombe and Sandford. The report invited the Sub-Committee to determine whether Public Path Diversion Orders should be made in accordance with the applications received.

Resolved:

- 1) that the making of a Public Path Diversion Order under section 257 of the Town and Country Planning Act 1990 for Footpaths AX 29/76 and AX 29/50 and two Public Path Diversion Orders under section 119 of the Highways Act 1980 for Footpaths AX 29/49 and AX 29/76 be approved; and
- 2) that if no objections are received when the Orders are published the Orders be subsequently confirmed; or
- 3) that if objections are received and sustained to any of the Orders, the relevant officer be authorised to forward those Orders to the Secretary of State for determination and to promote those Orders in any subsequent proceedings.

PRW 36 Claimed Footpaths on Portishead Golf Course (Agenda item 8)

The Director of Development & Environment reported on claimed routes within the parish of Portishead. The report invited the Sub-Committee to determine whether additional footpaths should be added to the Definitive Map at Portishead Golf Course, in accordance with the applications received.

Resolved: that the relevant officer be authorised to make a Definitive Map Modification Order for the routes A-B-C and D-B on the grounds that there is sufficient evidence that Public Footpath rights have been established.

Chairman
