

# Minutes

of the Meeting of the

## Public Rights of Way Sub-Committee

Wednesday, 26th September 2018

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

Meeting Commenced: 2pm

Meeting Concluded: 2.25pm

### Councillors:

P Ann Harley (Chairman)

A Karen Barclay

P Peter Burden

P Bob Garner (substitute for Terry Porter)

A Terry Porter

P James Tonkin

P: Present

A: Apologies for absence submitted

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

### PRW Public Participation (Agenda item 1)

1

**Resolved:** that the Standing Orders be suspended to allow a person who doesn't meet the eligibility criteria for public participation to address the meeting.

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

Marlene Masters, a resident of Wincanton, addressed the Sub-Committee speaking against an application submitted by Woodspring Bridleways Association to record King Road to Splott Paddock, Churchill as a Byway Open to All Traffic. Congratulating the officer on the thoroughness of her report Mrs Masters urged the Sub-Committee to reject the application as no evidence had been found that supported the claim.

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

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

2

Councillor James Tonkin declared a pecuniary interest in Agenda item 7, Mod 56 Sandmead Road, advising that having previously carried out work for the company he would leave the meeting should Mr Thatcher's name arise during the debate on this application.

**PRW Minutes of the Meeting held on 27 March 2018 (Agenda item 4)**

**3**

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

**PRW Mod 34 Blackberry Lane, Weston-in-Gordano (Agenda Item 6)**

**4**

The Director of Development & Environment reported on a Definitive Map Modification Order relating to a claimed Bridleway in the parish of Weston-in-Gordano. The Director of Development & Environment's representative reported that following advertisement of the Order three objections had been lodged and consequently the Secretary of State was required to determine the application.

**Resolved:**

(1) that the Definitive Map Modification and Statement Order No. 3 2018 be forwarded to the Secretary of State for determination requesting that the Order be confirmed; and

(2) that confirmation of the Order be supported at any subsequent Public Inquiry.

**PRW Mod 56 Sandmead Road, Winscombe (Agenda item 7)**

**5**

The Director of Development & Environment reported on a claimed Byway Open to all Traffic in the parish of Winscombe. The Director of Development & Environment's representative referred to the documentary evidence submitted by the applicant in support of the application and to additional research undertaken in respect of records held by the Council, user evidence received and consultation responses from neighbouring landowners, local user groups and utility companies. Members were advised that following analysis of the available evidence officers had reached the conclusion that this was not sufficient to support the application.

**Resolved:** that the relevant officer be authorised to reject the application relating to Mod 56 on the grounds that there is insufficient evidence to support the making of an Order.

**PRW Mod 57 Ruggs Lane, Cleeve (Agenda item 8)**

**6**

The Director of Development & Environment reported on claimed bridleways in the parish of Cleeve. Referring to the documentary evidence submitted by the applicant in support of the claimed routes, the Director of Development & Environment's representative reported on additional research undertaken both in respect of records held by the Council, user evidence received and consultation responses from neighbouring landowners, local user groups and utility companies. Members were advised that following analysis of all of the available evidence officers had reached the conclusion that this was not sufficient to support the application.

**Resolved:** that the relevant officer be authorised to reject the application relating to Mod 57 on the grounds that there is insufficient evidence to suggest that the routes A-B-D-E-F or B-C-D should be recorded as Bridleways.

**PRW Mod 59 King Road to Splott Paddock, Churchill (Agenda item 9)**

7

The Director of Development & Environment reported on a claimed Byway Open to All Traffic in the parish of Churchill. Referring to the documentary evidence submitted by the applicant in support of the claimed routes, the Director of Development & Environment's representative reported on additional research undertaken in respect of records held by the Council and consultation responses from neighbouring landowners, local user groups and utility companies. Members were advised that following analysis of all of the available evidence officers had reached the conclusion that this was not sufficient to support the application. Additionally, the Director of Development & Environment's representative reported that the applicant had advised that the application was to be withdrawn, however it was felt prudent in the circumstances to invite the Sub-Committee to express an opinion on how it would have been minded to determine the application had it had an opportunity to do so.

**Resolved:** that had the Sub-Committee been able to determine the matter the relevant officer would have been authorised to reject the claim on the basis that there is insufficient evidence available to establish that the route should be recorded as a Byway Open to All Traffic.

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Chairman

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