

Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Wednesday, 21st November 2018

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

Meeting Commenced: 2pm Meeting Concluded: 3.10pm

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 & Environment), Heather Sanders (Corporate Services)

PRW Public participation (Standing Order 17) **7 MOD 58 Moor Lane to Waterloo Farm, Banwell**

Local residents and landowners Joanne Tynsley, Paul Bussell and Lou Witfield addressed the Sub-Committee speaking in support of recording several routes in the Banwell Moor area as bridleways. Mrs Tynsley told the Sub-Committee that she favoured the opening of these droves but had a number of reservations and recommended that gates be installed to prevent antisocial use of these routes; Mr Bussell said that he would like to use route B-C for access and route J-D for tractor access; Mrs Witfield said that she had walked and ridden the tracks concerned for over 40 years and felt it was crucial that these routes were protected. The speakers urged Members to additionally designate route C-D as a bridleway.

The Chairman thanked the speakers for their helpful contributions.

PRW Declaration of Disclosable Pecuniary Interest (Agenda item 3) **8**

None.

PRW Minutes of the Meeting held on 26 September 2018 (Agenda item 4) **9**

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

PRW 10 MOD 58 Moor Lane to Waterloo Farm, Banwell (Agenda item 6)

The Director of Development & Environment reported on an application to record several routes in the Parish of Banwell as Byways Open to All Traffic. Advising that two of the routes were currently recorded as footpaths, the Senior Access Officer pointed out that the remaining claimed routes were unrecorded. She reported that additional correspondence had been received supporting the application advising that notwithstanding the views expressed by the writers, her recommendations to the Sub-Committee remained unchanged. Advising that the available evidence did not support the claimed designation, the Senior Access Officer told the Sub-Committee that there was however sufficient evidence that bridleway rights existed over the majority of the routes concerned, although no evidence had been submitted in support of route C-D. The Senior Access Officer then responded to Members' questions and queries regarding the application.

In response to the Senior Access Officer's assurance that local landowners would be consulted about appropriate siting and types of access furniture, a Member referred to the Local Access Forum expectation that the public path network should be accessible for people across all mobility ranges.

Endorsing the Officer's recommendations Members none-the-less felt that route C-D should additionally be recorded as a bridleway, particularly in view of statements made by local residents/land owners during Public Participation.

Resolved:

(1) that on the grounds that there is sufficient evidence to show that Bridleway rights should be recorded on the Definitive Map, the relevant officer be authorised to make Definitive Map Modification Orders in respect of the following:

- i) upgrade Footpath AX3/45 (A-B) to Bridleway
- ii) upgrade part of Footpath AX3/29 (F-G) to Bridleway
- iii) record routes G-H, J-H-I-C-E-D and C-D as Bridleways

(2) that if no objections are made and sustained confirmation of the Orders be authorised; and

(3) that if objections are made the Orders be forwarded to the Secretary of State for determination and, subject to officers being content there is no significant change to the balance of evidence, the Orders be supported at any subsequent Public Inquiry.

PRW 11 MOD 60 Fry's Lane to A368 Bath Road, Burrington (Agenda item 7)

The Director of Development & Environment reported on an application to record a route in the Parish of Burrington as a Byway Open to All Traffic. The Senior Access Officer reported that additional correspondence had been received supporting the claim however her recommendation to the Sub-Committee remained unchanged. She then responded to Members questions and queries regarding the application.

Resolved: that the relevant officer be authorised to reject the application relating to Mod 60 Fry's Lane to Rickford Farm, Burrington as there is insufficient evidence to support the claim that route AX10/30 (A-B-C-D) should be recorded as a Byway Open to all Traffic.

PRW 12 MOD 64 Jubilee Stone Parsons Combe Addition of Bridleway and Downgrading of Bridleway LA2/7c (Agenda item 8)

The Director of Development & Environment reported on an application to modify the Definitive Map and Statement to add a bridleway and downgrade to a footpath bridleway LA2/7c in the Parish of Backwell. The Senior Access Officer reported that additional correspondence had been received supporting the claim, however her recommendation to the Sub-Committee remained unchanged. She then responded to Members questions and queries regarding the route.

A Member commented that during his extensive career as a Councillor all the training he had received on Rights of Way matters supported the principle that the Definitive Map could only be wrong by omission.

Resolved: that the relevant officer be authorised to reject the application on the grounds that this is not the correct mechanism to change the location of Bridleway LA2/7c.

PRW 13 Additional Meeting (Agenda item 9)

The Sub-Committee agreed that an additional should be held to determine the outstanding Secretary of State directions. The Senior Access Officer advised that Natural England would present an update on the coast path prior to the next meeting.

Resolved: that an additional meeting be held at 2.30pm on the Tuesday 15 January 2019.

Chairman
