

Minutes

of the Meeting of the

Public Rights of Way Sub-Committee

Tuesday 26 November 2019

held in the Kenn Room, Town Hall.

Meeting Commenced: 2pm

Meeting Concluded: 3pm

Councillors:

P Ann Harley (Chairman)

P James Tonkin (Vice Chairman)

P Mike Bird (substitute for Richard Westwood)

P Robert Payne

P Timothy Snaden

A Richard Westwood

P: Present

A: Apologies for absence submitted

Officers in attendance: Elaine Bowman (Development & Environment), Roz Hime (Corporate Services), Penny Price (Development & Environment), Lucy Roca (Development & Environment), Heather Sanders (Corporate Services)

PRW Election of Chairman for the Municipal Year 2019/20 (Agenda item 1)

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Resolved: that Councillor Ann Harley be elected as Chairman of the Sub-Committee for the Municipal Year 2019-20.

PRW Election of Vice-Chairman for the Municipal Year 2019/20 (Agenda item 2)

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Resolved: that Councillor James Tonkin be elected as Vice-Chairman of the Sub-Committee for the Municipal Year 2019-20.

PRW Public participation (Standing Order 17)

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Diversion of part of Public Footpath AX 14/32, Ladymead Lane and part of AX 14/46, on land north of Ladymead Lane (Agenda item 7)

Peter Harrison, a resident of Churchill, addressed the Sub-Committee speaking in support of the application to divert parts of footpaths AX14/32 and AX14/46 (Agenda Item 7). Mr Harrison asked the Sub-Committee to note that the 'culvert bridge' at point H on footpath AX14/32 (mentioned on page 2 of the Report) was in fact a piped ditch.

The Chairman thanked Mr Harrison for his contribution.

**PRW 27 Public participation (Standing Order 17)
Upper Canada Coombe (Agenda item 11)**

Richard Dibble, a resident of Christon, addressed the Sub-Committee speaking against the application to record Upper Canada Coombe as a Byway Open to all Traffic (Agenda Item 11). Mr Dibble said that motor vehicles should not be given access to prevent the existing problems with fly tipping from getting worse.

The Chairman thanked Mr Dibble for his contribution.

PRW 28 Declaration of disclosable pecuniary interest (Standing Order 37)

None

PRW 29 Minutes of the Meeting held on 20 March 2019 (Agenda item 6)

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

PRW 30 Diversion of part of Public Footpath AX 14/32, Ladymead Lane and part of AX 14/46, on land north of Ladymead Lane (Agenda item 7)

The Director of Development & Environment reported on applications to divert parts of footpaths on land west and north of Ladymead Lane. The Director of Development & Environment's representative confirmed that the 'culvert bridge' at point H on footpath AX14/32 (mentioned on page 2 of the Report) was not a physical bridge but a concreted drainage pipe that could be walked across.

Councillor Harley advised that concerns had been raised with her that the diversion of footpath AX 14/32 would mean walkers having to use a busy road for part of the route.

Resolved:

(1) that the making of a Public Path Diversion Order for Footpath AX 14/46 be approved; and

(2) that if no objections are received when the Order is published, confirmation of the Order be authorised; or

(3) 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; and

(4) that consideration of the application to divert Public Footpath AX 14/32 be deferred to the next meeting to allow a site visit to be undertaken.

PRW 31 Upgrade of Bridleway AX 10/108 and AX 30/67 Copthorn Lane to Byway Open to All Traffic (Agenda item 8)

The Director of Development & Environment reported on an application to upgrade Bridleways AX 10/108 and AX 30/67 to Byways Open to All Traffic.

Resolved: that the relevant officer be authorised to deny the application relating to Mod 22 Cophorn Lane on the grounds that there is not sufficient evidence to upgrade Bridleways AX10/108 and AX30/67 to Byways Open to All Traffic.

PRW 32 MOD 24 Mendip Woods (Agenda item 9)

The Director of Development & Environment reported on an application to upgrade Footpaths AX10/38, AX14/3 and section of unrecorded route to a Bridleway.

Resolved: that the relevant officer be authorised to deny the application relating to MOD 24 Mendip Woods on the grounds that there is not sufficient evidence to upgrade Footpaths AX10/38, AX14/3 and a section of unrecorded route to a Bridleway.

PRW 33 Wildlife and Countryside Act 1981 Section 53 and Schedule 14 Secretary of State Direction Order at Sandmead Drove (Agenda item 10)

The Director of Development & Environment reported that North Somerset Council had been directed to make an Order, the effect of which would be to upgrade Footpath AX29/76 Sandmead Drove to a Restricted Byway on the Definitive Map and Statement; the Sub-Committee was asked whether they wished to object or support the making of this Order. At its meeting on 26 September 2018 it determined that an Order should not be made on the grounds that there was insufficient evidence to support the making of an Order.

Resolved: that the Secretary of State's Directive to make a Restricted Byway Order be noted and that the relevant officer be authorised to object to the made Order and oppose confirmation of the Order when forwarded to the Secretary of State for determination.

PRW 34 Public Participation (Standing Order 17) Upper Canada Coombe (Agenda item 11) – Suspension of Standing Orders

The Sub-Committee noted that John Atherton, a resident of Hutton, had intended to address the meeting but that a request had not been received in accordance with Standing Orders.

Resolved: that Standing Orders be suspended to allow Mr Atherton to address the meeting.

John Atherton then addressed the Sub-Committee speaking against the application to record Upper Canada Coombe as a Byway Open to all Traffic. Mr Atherton said he has no objection to Upper Canada Coombe being used by walkers, cyclists, and horse riders but that it should not be open to motorcycles or motor vehicles.

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

PRW Upper Canada Coombe (Agenda item 11)

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The Director of Development & Environment reported on an application to record Upper Canada Coombe as a Byway Open to all Traffic. The Director of Development & Environment's representative advised that Upper Canada Coombe is currently a private road which prevents the Highways department at North Somerset Council (NSC) acting on fly tipping. If Upper Canada Coombe was designated as a Bridleway this would give NSC the power to assist with the maintenance of the Bridleway including the installation of signage to try and stop it being used as a through road. One gate has been installed to impede vehicular access and it was suggested that additional gates along the route should be installed.

Resolved:

(1) that the relevant officer be authorised to approve the making of a Definitive Map Modification Order adding a route A-B as shown on the Location Plan in the Report as a Bridleway to the Definitive Map on the grounds that there is sufficient evidence to show that a public Bridleway has been established under Section 53 (3) (b) and (c) of the Wildlife and Countryside Act 1981;

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

(3) if objections are made the Order be forwarded to the Secretary of State for determination and subject to the officers being satisfied that there is no significant change to the balance of evidence, the Order be promoted in any subsequent proceedings.

PRW Meeting Times for 2020/21 (matter referred by Council)

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Council at its meeting on 12 November 2019 approved the draft municipal calendar for 2020/21 but in doing so invited individual committees to determine the start time of their meetings.

Meetings of this Sub-Committee are currently scheduled to start at 2pm.

Resolved: the Sub-Committee confirmed that the start time of meetings for 2020/21 should be 3pm.

Chairman
