

## Minutes

of the Meeting of

## The Public Rights of Way Sub-Committee

Tuesday, 26 March 2024

Kenn Room

Meeting Commenced: 3.01 pm

Meeting Concluded: 3.32 pm

### Councillors:

Ian Parker (Chairperson)

Dan Thomas

Peter Burden

**Apologies:** Councillors: Timothy Snaden (Chairperson)

**Officers in attendance:** Elaine Bowman (Principal Access Officer), Paul Hayward (Access Officer), Jessika Robinson (Clerk to the Committee).

### PRW Election of the Chairperson for the Meeting

9

**Resolved:** that Councillor Ian Parker be elected Chairperson for the meeting.

**Councillor Parker in the Chair**

### PRW Election of Vice-Chairperson for the Municipal Year 2023-24

10

**Resolved:** that the item be deferred to the next meeting.

### PRW Public Participation (Standing Order 17)

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One request to speak had been received under Standing Order 17A and the speaker was invited to address the committee immediately prior to the Officers presenting their reports in relation to different matters than those addressed by the speaker. The member of the public addressed the committee in relation to his request that North Somerset Council consider dedicating public Rights of Way in the ward of Clevedon, over land in their ownership, to bridleways so that more use can be made of them by horse riders and cyclist.

### PRW Apologies for absence and notification of substitutes

12

Apologies received from Cllr Timothy Snaden.

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

**13**

None.

**PRW Minutes from the previous meeting**

**14**

**Resolved:** that the minutes of the meeting on 25 July 2023 be approved as a correct record.

**PRW Matters referred by Council, the Executive, other committees etc (if any)**

**15**

None.

**PRW Mod 57 Ruggs Road Cleeve**

**16**

The Principal Access Officer presented the report. The Committee were told that following request from the Secretary of State, arising from a successful appeal against a decision taken by the Public Right of Way Committee (in 2018) from the Bridleway Association, who claimed a public bridleway should be established in the area detailed, that the order received two objections. One from the landowner and the other from the neighbouring landowner to the east of C/D on the plan. The owner of the land east of C/D had raised concern that whilst his land is not directly impacted by the order, the order would increase use of the existing rights of way on his land, in which he had experienced misuse from motorbike and trail riders.

North Somerset Council have attempted on several occasions to obtain evidence from both objectors but had been unsuccessful to date. The Officer therefore recommended that the council take a neutral stance in the absence of sufficient information to challenge the inspector's decision.

Members asked how the issue would be resolved if North Somerset Council took a neutral stance. The Committee were advised that the Secretary of State would write to objectors requesting which process they would like to enact of three options that are available to them. The Secretary of State would then inform the Council to advise on next steps. The Council would facilitate those next steps but would not be involved in the resolution, and that this will be decided between the objectors and Secretary of State.

**Resolved:** the Public Rights of Way Committee resolved:

- i that The Council will advise the Secretary of State in respect of the order, that North Somerset Council intended to take a neutral stance.
- ii that the officer concerned would undertake the arrangements, if necessary, of any proposed venue and preparation, but would not submit further Legal Submissions or evidence to the proceedings other than those required with the submission of the order.

**PRW 17 PPO 199 Footpath Diversions off Engine Lane**

The Access Officer presented the report. Members were informed that North Somerset Council had received a Public Path Order application for two public footpath diversions, arising from planning permission for a proposed development of 171 dwellings, which was already largely completed. Pre-order consultation had resulted in two objections from the Bridleway Association and the Ramblers Association. The Ramblers Association have engaged with North Somerset Council and the developer to voice their concerns. Conversations have considered access public rights of way users have to nearby public highways. The Ramblers Association have since expressed that they were taking a neutral position on the Public Path Order in question but had not withdrawn the objection and wanted the order to progress to further public consultation. Members were advised that there will be further public consultation should the Committee be minded to approve the order.

It was clarified to the Members that when creating new footpaths, developers should be seeking to create new footpaths that are multiuser routes. This however did not apply to diversions. Members were informed that the request for a bridleway put forward by the Bridleway Association, had not been captured in the planning stages and therefore the new route would not be wide enough for a dual use route.

Members sought to understand what lay to the left of the diversion and what benefits and negative impacts would be experienced by the community and public in relation to the new route. It was advised the area to the left was less built up than the right, leading to rural roads and that the proposal was not significantly longer.

**Resolved:** that the Public Rights of Way Committee authorised the following:

- i the making of two Public Path Diversion Orders (PPOs) under section 119 of the Highways Act 1990, diverting those parts of Public Footpath LA 13/510, LA 13/5/20 and LA 13/6/20 as shown on the proposal maps (Appendix 1 and 2) on the grounds that it was in the landowners and public interest to do so.
- ii if no objections were made and sustained that authorisation be given for the confirmation of the PPO or;
- iii if objections were made and sustained, that the PPOs mentioned above be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination and the council support the Orders through any subsequent procedure.

**PRW 18 Urgent business permitted by the Local Government Act 1972 (if any)**

None.

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Chairperson

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