



minutes

Meeting RIGHTS OF WAY COMMITTEE

Date Wednesday 11 September 2013 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Pam Skelding (Chairman)

Rachel Madden (Vice-Chairman)

A	John Cottee	Sybil Fielding
	Richard Butler	Darren Langton
	Nicki Brooks	Tony Roberts MBE
	Steve Carroll	Gail Turner
	Jim Creamer	

OFFICERS IN ATTENDANCE

David Forster	- Democratic Services Officer
Steven Eastwood, Snr	- Principal Legal Officer, Legal Services
Eddie Brennan	- Definitive Map Officer/Commons and Village Greens Officer
Angus Trundle	- Definitive Map Officer/Commons and Village Greens Officer
Neil Lewis	- Team Manager Countryside Access

MEMBERSHIP

The Clerk reported orally that Councillors Steve Carroll and Nicki Brooks had been appointed in place of Councillors Steve Calvert and Kevin Greaves for this meeting only. He also reported that Councillor Tony Roberts had been appointed to the Membership of the Committee in place of Councillor Roger Jackson

MINUTES

The minutes of the meetings held on 17 July 2013 as amended and circulated were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

None

DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest

DECLARATIONS OF LOBBYING BY MEMBERS

There were no declarations of Lobbying.

APPLICATION TO ADD A BRIDLEWAY TO THE DEFINITIVE MAP AND STATEMENT IN THE PARISHES OF KING'S CLIPSTONE, EDWINSTOWE AND RUFFORD

In introducing the report Mr Brennan informed members he had received e-mail correspondence from Mrs F Swain, a local resident who was unable to attend the meeting due to work commitments, objecting to the route being designated as a Restricted Byway. She however supports the route in principle to being designated as a bridleway.

Following the opening comments and slide presentation by Mr Brennan, a number of public speakers were given the opportunity to speak and a brief summary of those speeches are set out below.

Mr D Chalmers presented the Forestry Commissions view on the recommendation. They objected to the route being designated as a Restricted Byway because it could lead to an increase in fly tipping, the use of 4 wheel drive motor vehicles and trials bikes. He also suggested that there would be an increase in anti-social behaviour in the area which could lead to conflict. He however informed the Committee they would not object to a Bridleway provided sufficient control barriers were installed.

There were no questions.

Mr Parkhouse, a member of the Ramblers' Association and King's Clipstone parish Councillor, spoke in favour of the making the route a Bridleway and not a Restricted Byway. He informed members that it was a route which he and many others already used and enjoyed greatly which connected Sherwood Pines to Deerdale Lane and also connects with other routes around the area. Mr Parkhouse stated that he accepted that the law suggests that it should be a Restricted Byway, but people did not want the current route spoilt and felt that a bridleway would be more sensible.

Members queried what the practical differences would be if the Application was accepted, to which Mr Parkhouse responded that they could only promote routes already recorded as recognised rights of way and wanted this ancient route recognised.

Following the public speaking members queried the creation of a Restricted Byway against a Bridleway. Mr Brennan informed Members if the route was to be made a Restricted Byway then any barriers which were not originally in place and which restricted non mechanically propelled vehicles travelling along the route would need to be removed or permanently open. If it was to be classed as a bridleway then any barriers which had not existed historically would have to remain permanently open

Upon a request from the Chairman Mr Eastwood reminded members that it is not a case of suitability or desirability but the committee's decision must be based only on

their view of the historical evidence. Mr Eastwood stated that members' may match that of the officer's report, which shows a Restricted Byway exists along this route, or alternatively , members may consider that the evidence only shows that a bridleway exists, and if the latter, the full reasons for this view must be given having regard to the potential for an aggrieved party (if any)to challenge by judicial review.

On a motion by the Chairman, seconded by the Vice-Chairman it was unanimously:-

RESOLVED 2013/011

That the application be accepted and that approval be given for the making of a Modification Order to add a Restricted Byway (rather than a Bridleway) to the Definitive Map and Statement for the reasons set out in the report and on the grounds a public right of way is reasonably alleged to exist.

APPLICATION TO ADD A RESTRICTED BYWAY TO THE DEFINITIVE MAP AND STATEMENT IN WORKSOP

Mr Brennan introduced the report and highlighted that this application is based on user evidence.

Following Mr Brennan's opening comments the Chairman on this occasion allowed Mr Thompson of the Ramblers' Association to speak on this item. In doing so she reiterated that the procedures for public speaking at Committee will be adhered to for future meetings.

Mr Thompson, Secretary to the Ramblers' Association Nottinghamshire Area, welcomed all the work that had been carried out on this application and supports the addition of the Restricted Byway to the Definitive Map.

There were no questions

After a brief discussion by members and on a motion by the Chairman and duly seconded it was:-

RESOLVED 2013/012

- 1) that the application for a Restricted Byway be rejected but approval be given for the making of a Definitive Map Modification Order to add a Footpath to the Definitive Map and Statement as per route A-B-C (Appendix A) on the basis that, for the reasons set out in the report, it is considered by the Authority that a right of way on foot subsists.
- 2) that approval be given the making of a Definitive Map Modification Order to add a Footpath to the Definitive Map and Statement as per route B-E (Appendix A) on the basis that, for the reasons set out in the report, it is considered by the Authority that a right of way on foot subsists.
- 3) that approval be given for the making of a Definitive Map Modification Order to add a Footpath to the Definitive Map and Statement as per route D-E-F

(Appendix A) on the basis that, for the reasons set out in the report, it is considered by the Authority that a right of way on foot subsists.

TO CONSIDER OPTIONS IN RESPECT OF PUBLIC FOOTPATHS CROSSING LAND TO THE EAST OF CARLTON ROAD WORKSOP (TESCO SITE)

Mr Brennan introduced the report and highlighted the issues around this report. He also informed members that following a meeting with Bassetlaw District Council and the Tesco Group a proposal will be submitted to make path G-C a definitive route and not a permissive one as originally proposed.

Councillor G Gilfoyle (local member) with the permission of the Chairman spoke. He highlighted that this site is a contentious issue in Worksop and there are real concerns regarding path A-C. Residents along that route are concerned about anti-social behaviour and potential damage to their properties based on previous experience of a route in this location.

Members queried what the local view was in relation to each of the routes which Councillor Gilfoyle clarified as pre-existing public rights across the site seem to be accepted and known by all local residents and it was protection of this right which was the aim of the applicant. Route A-C was very problematic when it was trialled, but the retention of a right of way in some form has popular support.

Upon request from the Chairman Mr Eastwood reminded members of the Town and Country Planning Act order process operated, that it was only concerned with definitive legal rights of way, and that Bassetlaw District Council as the local planning authority were the appropriate authority to make such an order. Mr Eastwood explained that this item was before Committee not for a formal decision to take action in relation to highways but to help Bassetlaw District Council with progressing their order by letting them have the views of the Highway Authority, hopefully helping to achieve swift and successful resolution without the need for any formal action by the Highway Authority at a later date.

Following discussions it was moved by the Chairman and duly seconded and following a show of hands it was:-

RESOLVED 2013/013

That Committee authorises officers to communicate to Bassetlaw District Council that the County Council supports the extinguishment of all public rights of way on the site of the Tesco development except for the definitive footpath along the southern boundary of the site alongside the railway (Report Appendix A, route D-D'-E-F) and also excepting route B-C which the County Council supports being diverted to line G-C (as shown by the dashed line on Appendix A to the Report).

In accordance with Standing Orders the Councillors Richard Butler, Rachel Madden and Gail Turner requested their votes against the resolution to be recorded

The meeting closed at 12.30 pm

CHAIRMAN