

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 5 July 2022 (commencing at 10.30am)

Membership

COUNCILLORS

Richard Butler (Chairman)
Jim Creamer (Vice-Chairman)

Mike Adams - Apologies	Nigel Moxon - Apologies
Andre Camilleri - Apologies	Philip Owen
Robert Corden	Francis Purdue-Horan
Sybil Fielding	Sam Smith
Paul Henshaw	Daniel Williamson - Absent
Andy Meakin	

SUSTITUTE MEMBERS

John Cottee substituted for Nigel Moxon
Tom Smith substituted for Mike Adams
Tracey Taylor substituted for Andre Camilleri

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Sally Gill – Place Department
Trish Hennessey – Place Department
Neil Lewis – Place Department
Angus Trundle – Place Department

1. **THE APPOINTMENT BY FULL COUNCIL ON 12 MAY 2022 OF COUNCILLOR RICHARD BUTLER AS CHAIRMAN AND COUNCILLOR JIM CREAMER AS VICE CHAIRMAN OF THE COMMITTEE FOR THE 2022-23 MUNICIPAL YEAR.**

RESOLVED 2022/037

That the appointment of the Chairman and Vice Chairman be noted.

2. TERMS OF REFERENCE AND MEMBERSHIP

Councillor Creamer's name was listed twice in error.

RESOLVED 2022/038

That the Terms of Reference and Membership, with the duplication of Councillor Creamer's name corrected, be noted.

3. MINUTES OF THE MEETING HELD ON 24 MAY 2022

The minutes of the meeting held on 24 May, having been circulated to all members, were taken as read and were confirmed, and were signed by the Chairman.

4. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Adams, Camilleri and Moxon (all Other Reasons).

5. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

6. DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

7. ANNUAL REPORT OF THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS AND COMMUNITIES SERVICE

Ms Hennessey introduced the report which updated the Committee on the work carried out by the Trading Standards and Communities Service.

Members pointed out a reference to the Planning and Licensing Committee in paragraph 27 of the report which should have been to the Planning and Rights of Way Committee.

The Chairman thanked Miss Hennessey for the report and reiterated that the Committee's terms of reference did extend to licensing matters. The Chairman thanked the team for all the work undertaken, especially during the pandemic.

On a motion by the Chairman, duly seconded, it was:

RESOLVED 2022/039

- 1) That the appropriate use of the media to highlight the results of the fireworks safety inspections programme for the forthcoming licensing period (October/November 2022), be approved.
- 2) That a further update report be submitted to the meeting of the Committee in July 2023.

8. TO REGISTER A TOWN OR VILLAGE GREEN – LAND AT SOUTH SCARLE

The Chairman informed Committee that because of a late submission the report had been withdrawn and would now be considered at a future meeting of the Committee.

Ms Clack explained that although it was possible for members to consider late submissions, in this case the submission was of such length and detail that it was appropriate for the report to be withdrawn to allow officers and members time to consider the implications. A copy of the submission would be sent to all members of the Committee and a further report brought back that would take account of all the points raised in the submission.

Members stated that this delay was unsatisfactory and asked that a way forward be agreed that would avoid a repeat of this in the future.

9. THREE APPLICATIONS FOR A MODIFICATION ORDER AT PLEASLEY VALE, MANSFIELD WOODHOUSE

Mr Trundle introduced the report which considered three applications for a Modification Order to add bridleways and to upgrade a footpath to a bridleway in the parish of Mansfield Woodhouse.

Following Mr Trundle's presentation Members asked if the kissing gate referred to would be retained if the Modification Order was granted. Mr Trundle replied that it was a difficult issue – if the Order was made then provision for use by those on foot, cycling and on horse back would be needed. Giving access to cycles meant it was difficult to prevent unauthorised use by motorcycles, though a motorcycle trap could be installed.

Following Mr Trundle's introduction, Mr Ray McPherson was given the opportunity to speak and a **summary** of that speech is set out below:

- The historic St Chad's church is in an area of outstanding natural beauty with many visitors. St Chad's church is regularly quoted as a jewel in Mansfield and indeed in Nottinghamshire. Access is very restricted and parking is very limited. There are many weddings, funerals and retreats.
- The objections of the Parochial Church Council (PCC) and residents are not to the proposed changes to footpath 8 but to the future stage of making this route into a bridleway. This will have a huge impact on St Chad's church, all its services, its parishioners and their safety.
- The parking situation is very limited and although church members and visitors are always very considerate when parking, it can be difficult due to the limited space along the road. Many of our congregation are elderly and need space to walk in safety from their parking space to church and back.

- The unexpected passage of horses, some perhaps large or with inexperienced riders, Quad bikers and off-road trial bikers along the proposed bridleway close to both people and moving or parked vehicles could create the potential for serious accidents and make a difficult situation impossible.
- For these reasons we state our objections to the proposed bridleway.

Responding to Members' questions, Mr McPherson confirmed that the objections were around the use of the ways by horses and quad bikes, not to those on foot or cycling.

Mr Neil Houldsworth was then given the opportunity to speak and **a summary** of that speech is set out below:

- Historically access to this area was always restricted due to danger from the slurry pits and sewage works. There was always a 'no entry' sign and a metal gate preventing access.
 - The kissing gates have been stolen on several occasions. The kissing gates and the historic original cast iron posts on the Derbyshire side have also been vandalised by off road bikers to gain access. Residents have reinstated these original posts at their own expense.
- Quad bikers and off roaders have physically assaulted the Chairman of Pleasley Vale Residents' Association (PVRA) resulting in hospitalisation and a fractured eye socket recently. It seems incredible that one person can affect a whole community by pursuing the opening of a bridleway and once again subjecting the local community to disturbance and criminal action.
- The PVRA do not find it acceptable that a committee can make an informed decision on this issue if the members have no knowledge of Pleasley Vale and its community.

Mr Steve Parkhouse of the Ramblers Association was then given the opportunity to speak and **a summary** of that speech is set out below:

- Between 1982 and the early 2000s I used the section past the old sewage sprinkler beds on foot and cycle many times. The metal gate was permanently propped open, with a track to the small sewage works with a path branching off made of broken tiles, bricks and hardcore mixed with soil that went along the south side of the sewage works to a gap in the second wall. There was a tall wall made of corrugated iron sheets painted green around the sewage works with a double gate. The only 'keep out' sign was on these gates which were locked. There was even a laurel hedge planted to screen the corrugated iron wall from the path. Why would a path be needed if the public were not allowed to use the route?

- These applications are an important part of Notts Ramblers a 'Paths for Everyone' initiative – they are active travel routes for walkers, cyclists and horse riders. As part of this we have been working hard to create a series of bridleway routes along the western side of Sherwood Forest from Pleasley to National Cycle Route 6 at Rhodesia just west of Worksop. With significant help from landowners most of the route is in place or will be soon, linking up the communities along the County boundary. The three Pleasley Vale bridleways are a vital link to the Teversal Trails and Derbyshire County Council's extensive greenway network.
- The disputed middle route is particularly important - the direct route is just over 0.5 km long and the alternative of diverting into Mansfield Woodhouse and round to the south end of Littlewood Lane adds another 3.5km.
- If the residents are serious about keeping out motorbikes they need to work with us and the Countryside Access Team to make sure measures are put in place to make life difficult for motor bike users.
- If they force this case to a public inquiry, and I have to say that the evidence is such that such an inquiry would confirm the Order, they should bear in mind the cost to the County Council as it would be taking money that would be better spent on keeping motorbikes out by installing A frames and horse step overs in both walls of the former sewage works site and similar measures at the Littlewood Lane end.
- The last time I appeared before this Committee was for our Widmerpool claim when I made a similar plea for dialogue before making an Order. In that case Instead of a footpath going through a farmyard and garden, across a rail line and through another two gardens, one of them very close to windows, the landowners came up with two very good routes for walkers and solved their problems at the same time.
- Constructive engagement gets better results. I am asking the Committee to agree to the making of these Orders but with the proviso that the residents are offered one further consultation about measures to control motor bikes.

Responding to members' questions, Mr Parkhouse stated that he did not live on this route but did live on a busy bridleway and there were no problems from those who use it legitimately, the problems arise through illegal use by quad bikers.

Members then debated the item and questions were responded to as follows:

- Some members stated that they would want the recommendation amending as they did not want to inflict the nuisance caused by quad bikers onto local residents.
- Councillor Cottee spoke of the earlier reference to Widmerpool and informed Committee that in that case it had been possible to arrive at a mutually satisfactory arrangement following further work.

- Ms Clack explained that if Committee approved the Recommendation then further legal steps would be required before any modification order could be made. Following Committee approval there would be a 6 week period during which representations could be made. If any objections cannot be resolved then the matter will be referred to the Secretary of State who can hold an inquiry or a hearing. If Committee were to vote against the Recommendation then the applicant could appeal to the Secretary of State who could make a direction to make the order or hold a public inquiry.

Councillor Owen then proposed an amendment to the original motion, seconded by Councillor Corden. At this point the meeting was adjourned to confirm the exact wording of the amendment and to consider the implications of that amendment.

When the meeting was reconvened the wording of the amended motion was confirmed as follows:

It is Recommended that:

- A Modification Order is made for the western route to record a bridleway from the end of the adopted road at point 8 to the Nottinghamshire Derbyshire County boundary at point 10.
- A Modification Order is made for the eastern route to record a bridleway from the end of Mansfield Woodhouse Bridleway No. 7 at point 6 to the Nottinghamshire Derbyshire County boundary at point 7.
- A Modification Order is not made for the middle route to record a bridleway from the western route on Common Lane at point 1 to the junction with the eastern route on Littlewood Lane at point 5.
- The part of the application that runs from the junction with the middle route by St. Chads Church at point 2 to the Nottinghamshire Derbyshire County boundary at point 12 is refused.

After discussion the amendment was put to the vote and was not carried.

Members sympathised with residents' concerns that the routes would be used illegally by quad bike users and motorcyclists and as a result Councillor Sam Smith proposed an alteration to the original motion which was accepted by the Chairman and Vice Chairman.

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

RESOLVED 2022/040

- 1) That a Modification Order is made for the western route to record a bridleway from the end of the adopted road at point 8 to the Nottinghamshire Derbyshire County boundary at point 10.

- 2) That a Modification Order is made for the eastern route to record a bridleway from the end of Mansfield Woodhouse Bridleway No. 7 at point 6 to the Nottinghamshire Derbyshire County boundary at point 7.
- 3) That a Modification Order is made for the middle route to record a bridleway from the western route on Common Lane at point 1 to the junction with the eastern route on Littlewood Lane at point 5.
- 4) That the part of the application that runs from the junction with the middle route by St. Chads Church at point 2 to the Nottinghamshire Derbyshire County boundary at point 12 is refused.
- 5) That officers be instructed to draw up potential mitigation methods aimed at preventing anti-social behaviour caused by motorbikes, quadbikes and other users that can be consulted on and introduced at the same time as of or if ever the proposed bridle path is opened up.

10. CREATION OF FISH FARMING POND, LAND OFF NORTH SCARLE ROAD, WIGSLEY

The Chairman informed Committee that because of late representations received this report had been withdrawn and would now be considered at a future meeting of the Committee.

11. DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR PERFORMANCE 2021-22

Mrs Gill introduced the report which detailed the number of planning applications received and determined by the Development Management Team between 11 May 2022 and 17 June 2022, and which also detailed the end of year performance of the Development Management Team for the financial year 2021-22.

Members then debated the item and the following queries were responded to as follows:

- The Chairman welcomed the news that those submitting retrospective planning applications may incur higher fees in future.
- Members thanked officers for the robustness of their responses to partners.
- The Chairman encouraged members to attend the site visit to Ratcher Hill and reminded members of the work that went into organising such visits and their usefulness when coming to a decision on relevant planning applications.
- The Chairman reminded members of the additional meeting that had been organised for 26 July 2022 as a result of the large number of applications that had been received.

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

RESOLVED 2022/040

That the contents of the report be noted.

Before closing the meeting, the Chairman thanked Rachel Clack for all her assistance and hard work over the years, informing members that Rachel was leaving the authority to go into private practice and that this meeting would probably be her last one.

The meeting closed at 12.18pm

CHAIRMAN