

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 JUNE 2023 AT CERES HALL - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Dr Brian Mathew, Cllr Tony Pickernell, Cllr Iain Wallis and Cllr Dominic Muns (Substitute)

20. **Apologies**

Apologies were received from Cllr Sam Pearce-Kearney, Cllr Kelvin Nash and Cllr Stuart Wheeler. Cllr Kelvin Nash was substituted by Cllr Dominic Muns for this meeting.

21. **Minutes of the Previous Meeting**

The minutes of the meeting held on 20 April 2023 were presented for consideration.

Resolved:

To approve and sign the minutes as a true and correct record.

22. **Declarations of Interest**

Cllr Wallis declared an interest in relation to Item 6, in that he worked in the Department for Environment, Food, and Rural Affairs. The Secretary of State, who made the Order under the Wildlife and Countryside Act 1981 for Wiltshire Council to determine the application, was therefore, ultimately his employer. He clarified that his role in the Department for Environment Food and Rural Affairs had no connection with the department which dealt with Rights of Way matters, so he would still participate in the debate and vote on the application.

23. **Chairman's Announcements**

There were no Chairman's announcements.

24. **Public Participation**

There was no public participation.

25. **Charlton St. Peter 2, 6 and Wilsford 5**

The Committee considered the report of the Director of Highways and Transport, as presented by Craig Harlow, Definitive Map Officer about Wiltshire Council Charlton St Peter 2, 6 and Wilsford 5 Definitive Map and Statement Modification Order 2023.

The Committee considered four objections to the Modification Order made under Section 53 of the Wildlife and Countryside Act 1981, as detailed in the report and were invited to forward the Order to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with a recommendation that the Order is confirmed as made.

The Definitive Map Officer provided a comprehensive presentation which included detail about the application routes, Wiltshire Council's duty, the legal tests, the Order plans, the evidence for CSTP6, CSTP2 (part) and WILS5, the effect of the Natural Environment and Rural Communities Act 2006, widths, comments on objections and the officer proposal.

In response to questions from the Committee the Chairman and Definitive Map Officer indicated that the existence of the A342 would likely limit the usability of the three routes, there were no representations from Wiltshire Council Highways, any costs in remodelling the paths where steps currently exist would be met by Wiltshire Council, confirmed that many Rights of Way users walked along the routes. The Committee also noted the options available to them in confirming the order.

The Committee heard from Cllr Paul Oatway, local member, who in thanking the Definitive Map Officer for the tremendous amount of work on the matter, expressed concerns about the proposals. He highlighted that the applicants for the modification order did not live in the locality, commented on the highway safety issues, and detailed the objections from local residents and businesses impacted by the modification order which included the loss of parking spaces and agricultural land.

So the Committee had something to debate, the Chairman proposed that support be given to the Definitive Map and Statement Modification Order confirmation for the reasons outlined in the officers recommendations.

A debate followed where Members explained that they sympathised with the views and comments of the local member, but they also took into account the documentary evidence detailed in the report, the relevant legal tests, the possibility of costs, matters relating to Judicial Review and other advice from the officer in coming to their decision. The Members highlighted significant road safety concerns in relation to CSTP6 and in particular the crossing point on a blind bend of the A342.

The motion to confirm the order as made went to a vote and failed, a subsequent vote on a motion to confirm the order with modifications was passed.

Resolved:

The Charlton St. Peter 2, 6 and Wilsford 5 Definitive Map and Statement Modification Order 2023 is confirmed with modifications. The order and plans to be amended to remove any modification of footpath Charlton St. Peter 6. The reasons for the modification being significant safety concerns related to any change of status of footpath 6 at its junction with the A.342.

26. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.55 pm)

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