

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 OCTOBER 2017 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Mark Connolly (Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble and Cllr Anna Cuthbert (Substitute)

Also Present:

Cllr Philip Whitehead

40. **Apologies**

Apologies were received from Councillors James Sheppard and Paul Oatway QPM.

Councillor Sheppard was substituted by Councillor Anna Cuthbert.

41. **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 June 2017 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record.

42. **Declarations of Interest**

There were no declarations.

43. **Chairman's Announcements**

There were no announcements.

44. **Public Participation**

The rules on public participation were noted.

45. **The Wiltshire Council (Parish of Urchfont) Path No.51 Definitive Map and Statement Modification Order 2015**

Public Participation

Carol Talbot, Headteacher, Urchfont Primary School, spoke in objection to the Order

Roy Hickey spoke in objection to the Order.

Martin Kemp representing the Diocese of Salisbury, spoke in objection to the Order.

Malcolm Smith spoke in support of the Order.

Trevor Hill spoke in support of the Order.

Sue Giddings spoke in support of the Order.

Cllr Bill Donald, Urchfont Parish council, spoke in support of the Order.

A report was presented by Richard Broadhead, Rights of Way and Countryside Manager, outlining the Wiltshire Council (Parish of Urchfont) Path No.51 Definitive Map and Statement Modification Order 2015, and the recommendation to forward the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation. As objections had been received to the Order, the council was required to send the order to the Secretary of State for determination, and it could recommend the order be confirmed as made, not confirmed, or be confirmed with modification, after considering all evidence that had been submitted within the statutory consultation period.

The history of the order application was detailed, outlining the application from Urchfont Parish Council, the route claimed which included a section through the grounds of Urchfont Primary School and the number and content of objections and supporting statements and evidence. Attention was drawn to two objections, one of which had not been included with the list of evidence but which had been submitted within the proper timescales, and which would be included with the evidence sent to the Secretary of State. The second piece of evidence had not been submitted within appropriate timescales and advice was being sought as to whether this piece of evidence should also be included with the evidence to be sent to the Secretary of State.

The Committee were also reminded of the legal tests for confirmation of a public right of way, in particular the need to demonstrate, on a balance of probabilities, that the claimed route had been used without force, without secrecy, without permission and without interruption over a period of 20 years. It was noted that the claimed route passed through the grounds of the primary school and many safeguarding concerns had been raised by objectors, however it was established the Wildlife and Countryside Act 1981 did not permit safeguarding considerations to be taken into account when determining whether a claimed public right of way met the required legal tests, though discussions were ongoing on possible mitigating measures should the Order be confirmed.

The Committee then had the opportunity to ask technical questions of the officer. Details were sought on evidence submitted regarding the route being utilised prior to construction of the primary school in 1974.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local Division Member, Councillor Phillip Whitehead, then spoke regarding the Order, detailing that due to living close to the site he had not been involved in any formal discussions or submissions regarding the item, and simply asked the Committee to consider the evidence submitted carefully when making its decision.

The Committee then debated the Order and the options available to it. Issues raised included noting that safeguarding considerations could not be taken into account when assessing the evidence, the strength of the evidence submitted by objectors and supporters, in particular whether sufficient signage had been in place to clarify the route was not intended as a public right of way and whether the area had been sufficiently unavailable to the public to make that clear, and the variation in some submissions as to the exact route claimed. In response to queries it was confirmed that no new evidence, such as any alternate routes that might be utilised instead if further work were undertaken, could be submitted at this stage of the process.

A motion to forward the Order to the Secretary of State with the recommendation it be confirmed as made was moved by Councillor Richard Gamble, seconded by Councillor Peter Evans, and at the conclusion of debate it was,

Resolved:

To forward the Order to the Secretary of State for the Environment, Food and Rural Affairs for confirmation as made.

46. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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