

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 NOVEMBER 2020 AT ONLINE MEETING.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Ashley O'Neill

#### **Also Present:**

Cllr Alan Hill

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#### 32 **Apologies**

There were no apologies for absence received.

#### 33 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 7 October 2020 were presented.

#### **Resolved**

**To approve and sign the minutes of the meeting held on 7 October 2020 as a true and correct record.**

#### 34 **Declarations of Interest**

There were no declarations of interest.

#### 35 **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

#### 36 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

No questions had been received from Councillors or members of the public.

37 **Bridleway No. 89 (part), 89A and 89B Diversion Order and Definitive Map and Statement Modification Order 2019 - Calne Without**

Public Participation

A statement in support of the item from Mr Graham Bennett, on behalf of the British Horse Society, was read out by Mr Derek Walsh.

Mr Derek Walsh, on behalf of the land owners, spoke in support of the item.

Councillor Rob Hislop, on behalf of Calne Without Parish Council, spoke in support of the item.

Sally Madgwick, the report author and Definitive Map and Highway Records Manager, introduced the report which recommended that the Committee considered the five duly made objections to the Order, and considered to either exercise Wiltshire Council's power to abandon the Order or to support the confirmation of the Order and to send it to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA).

Reference was made to the presentation slides (Agenda Supplement 1) and the tests to make or confirm an order to divert were discussed alongside the matters on the existing and proposed routes that should be considered or disregarded for comparison purposes.

Key issues highlighted included: consideration of Sections 119(3) & (6) of the Highways Act 1980; convenience of the new path; effect on public enjoyment of the path or way as a whole; effect on land served by the existing right of way; effect on land served by the new right of way; consideration of the Rights of Way Improvement Plan; regard to the needs of agriculture, forestry and conservation of biodiversity; and consideration of the Open Spaces Society objection to the validity of the Order, Section 119(3).

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the erection of three stiles along the adjoining footpaths, as raised by the Open Spaces Society objection, and if they should be considered. In response, officers noted that the stiles should not be taken into consideration as they related to the convenience of the adjoining footpaths and not the proposed bridleway. It was additionally noted that if the Committee were minded to support the confirmation of the Order these stiles would be replaced by appropriate alternatives that would meet the requirements of The Equality Act 2010.

Members of the public, as detailed above, had the opportunity to address the Committee and speak on the item.

Local Unitary Member Councillor Alan Hill spoke in support of the item. The main points of focus were: historical and existing security and privacy concerns of the land owners; continued strong support of the local community; origins of

the existing route; higher levels of accessibility along the proposed route; and general use of the proposed route for enjoyment.

Councillor Ashley O'Neill moved to support the confirmation of the Order and that the matter should be passed to the SoSEFRA for determination, with a recommendation for approval, as it satisfied the tests required by Section 119 (6) of the Highways Act 1980. This motion was seconded by Councillor Gavin Grant.

During the debate members discussed the duties of the Council to meet the accessibility requirements necessary to be in line with The Equality Act 2010 alongside the negative impacts experienced by the land owner as a result of the existing route. The lack of maintenance towards the existing route was noted and the convenience of the new route in comparison to the existing was discussed with regard to the topography, terrain and gradient.

Members highlighted the depth of work undertaken by Rights of Way officers.

The Chairman reiterated the tests to confirm an order to divert and adjourned the meeting to seek legal advice from Wiltshire Council Senior Solicitor, Sarah Marshall.

The meeting was adjourned from 16:19pm – 16:24pm.

It was clarified that in order to support the confirmation of the Order, as per Paragraph 40 (ii) of the report, the Committee must give detailed reasons for its decision. Councillors Ashley O'Neill and Gavin Grant as proposer and seconder for the motion reiterated their support for the confirmation of the Order after due consideration and felt that the proposed bridleway would not be substantially less convenient.

Councillor Toby Sturgis suggested an amendment to the motion noting that the wording should include mention of the lack of maintenance and the, at points, inconvenience of the existing path in comparison of the proposed route. Both Councillors Ashley O'Neill and Gavin Grant agreed to the amendment to the motion.

Additionally, Councillor Toby Sturgis suggested a further amendment to the motion that stated that the finalised wording of the recommendation of the Committee be delegated to the Chairman, Legal Officer and Democratic Services Officer. Both Councillors Ashley O'Neill and Gavin Grant agreed to the amendment to the motion.

During the vote the Democratic Services Officer called upon each member who confirmed they had been able to hear, and where possible, see all relevant materials and indicated their vote in turn.

The Committee considered the application, the objections, and the wide support that the application had received and were satisfied that the application satisfied

the tests required by Section 119 of the Highways Act 1980, in particular that in taking the decision the Committee had due regard to;

- i. The impact of the new path and that Members did not believe the new path would be substantially less convenient to the public;
- ii. The effect of the new path for use and enjoyment by the public. Members took the view that the new path would facilitate better use of the route by the public as a whole;
- iii. To the impact on other land served by the existing Right of Way and took the view that the new path would have no such impacts;
- iv. The effect on the land of where the new Rights of Way would be created and believed there would be no adverse impacts on said land.

The Committee considered that it was expedient in the interests of the land owner to enhance privacy and security and the proposed new path would not be substantially less convenient to the public. It was expedient to confirm the Order taking into account the effect the diversion would have on public enjoyment, there would be no adverse impact on the land where the new path would be created, and the proposed new route of the Bridleway conformed to the provisions of the Wiltshire Rights of Way improvement plan.

## **Resolved**

**The Committee in making the proposal, acknowledged and considered the tests set out in Section 119 and Section 119 (6) of The Highways Act 1980 and supported the confirmation of the Order and to send the Order to the Secretary of State for Environment, Food and Rural Affairs for determination.**

## 38 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.40 pm)

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