

Unconfirmed minutes – subject to confirmation /amendment at the next meeting of the Rights of Way Committee

## **Rights of Way Committee**

18<sup>th</sup> October 2011 – At a meeting of the Committee held at County Hall, Chichester.

Present:

Mr Acraman (Chairman), Mr Blake, Mr Burrett, Mr Duncton, Mrs Jupp, Mrs Millson\*, Mr Peters, Mr Rogers and Mr Whittington.

- \*Mrs Millson attended the meeting as a substitute for Dr Wilsdon in accordance with notice given by the Liberal Democrat Group.

Apologies:

Dr Wilsdon

## **Declarations of Interest**

27. Mr Peters declared a personal interest in agenda item 6A (Land at Old School Fields, Littlehampton) as a local resident who had used the land. Mr Peters stated that he would not take part in discussions or vote on the matter. The Chairman agreed he could remain in the room as it was not a prejudicial interest.

28. Mr Rogers declared a personal interest in agenda item 6A as one of the supporters (12) is his mother-in-law.

29. In addition the Chairman asked it to be noted that all Members had been lobbied and all had received a vast amount of correspondence in relation to agenda item 6A.

## **Minutes**

30. Resolved – That the minutes of the meeting held on 14 June 2011 be approved and be signed by the Chairman as a correct record.

## **Urgent Matters**

31. Although not an urgent matter the Chairman asked for an update on volunteering. The Director Communities and Infrastructure stated that there were two types of volunteer opportunity being made available, Parish Path inspectors and Rangers. He stated that 63 Parish Path Inspectors have been trained up and a further 46 are currently going through the training process. A further 49 have signed up to be Rangers. In total 622 hours of time have been volunteered for which the County Council is very grateful.

32. It was agreed that The Director Communities and Infrastructure would send Members details of those Parishes not currently signed up to the volunteer programme. It was also suggested that The Director Communities and Infrastructure should write to the local Members of areas without parishes and ask them to suggest other organisations, such as residents associations, that might be willing to volunteer.

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### **Previous Rights of Way Decisions**

33. The Committee received a report by the Head of Legal and Democratic Services setting out the progress on previous decisions made by the Committee (copy attached to the signed minutes).

34. Resolved – That the report be noted.

### **Outstanding Applications**

35. The Committee received a report from the Director Communities and Infrastructure and Head of Legal and Democratic Services outlining applications awaiting consideration (copy attached to the signed minutes).

36. Resolved – That the report be noted.

### **Delegated Decision Process**

37. The Committee received a verbal update from the Director Communities and Infrastructure on the operation of the procedure for delegated officer decisions.

38. The Director Communities and Infrastructure explained that the system, as set out in the February 2010 decision report, was working well and had resulted in an effective and efficient process. The initial consultation procedures are now extensive and the benefit of this new approach means that more people get the chance to respond at an early stage. To date only one of the delegated decisions had resulted in an objection at the Order stage. To date 14 decisions had been delegated.

### **Performance Indicators**

39. The Committee received a report from the Director Communities and Infrastructure and the Head of Legal and Democratic Services on performance indicators relating to public rights of way for the quarter ending 30 June 2011 (copy attached to the signed minutes).

40. Resolved – That the report be noted.

### **Registration of land to become a Town or Village Green**

#### **Land at Old School Fields, Littlehampton**

41. The Committee considered a report by the Head of Legal and Democratic Services regarding an application made under the provisions of Section 15 of the Commons Act 2006 to register land at Old School Fields, Littlehampton as a town or village green (report attached to the signed copy of the minutes).

42. Mr Nick Sutton, one of the applicants, spoke in support of the application. Mr Sutton stated that he had been using the field for the last 17 years and had never been challenged or seen evidence of any signage until 11<sup>th</sup> August this year. He stated that they were asking for this to be a Village Green as it is a unique space used by all groups. It is a rare green space in an urban area and is full of incredible wildlife.

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43. Mr. David Lawrence, one of the applicants, spoke in support of the application. Mr. Lawrence stated that 90% of people had never seen the signage referred to. He also stated that kissing gates had been installed after the 1994 case therefore suggesting further that access was allowed.

44. Mrs. Ann Payne, one of the applicants, spoke in support of the application. Mrs. Payne stated that she represented many hundreds of local residents who had had uninterrupted use of this field for over 25 (my notes say 23 years? CL) years. She referred to the lack of green space for recreational use in the area.

46. The Committee considered the following points:

- The Head of Legal and Democratic Services confirmed that there was clear evidence of signage on site in 1994 that interrupts the 20 year use and therefore it is considered that not all the legal tests have been met.
- Many Members spoke in support of the need for open space in the area.
- Members raised concern that no attempt had been made to reinstate the signage since it disappeared in 1995.
- Members acknowledged that the legal tests had not been satisfied.
- The Chairman stated that if the application was not successful today he hoped that the County Council would consider making a decision to voluntarily set aside some of the land for recreational use.

47. The Committee agreed the officer recommendation and rejected the application.

48. Resolved - that application TVG30/27 to register Old School Fields, Littlehampton as a town and village green be rejected.

49. Resolved – that the appropriate Cabinet Member of the County Council be advised that the Rights of Way Committee regards the land the subject of the application as suitable for village green designation and that designation of this land as village green should be made.

### **Land known as Denne Hill and/or Barrackfield, Southwater**

50. The Committee considered a report by the Head of Legal and Democratic Services regarding an application made under the provisions of Section 15 of the Commons Act 2006 to register land known as Denne Hill and/or Barrackfield, Southwater as a town or village green (report attached to the signed copy of the minutes).

51. Mr Piers Blewitt, the landowner, spoke against the application. Mr Blewitt stated that the evidence was clear that the legal tests had not been met. He stated that a number of public rights of way existed and there was clear evidence of signage asking people to stick to the footpaths. As landowner he has no desire to restrict access and has clear evidence that he has granted permission for use when sought.

52. Mrs Peggy Gledhill, the applicant, spoke in favour of the application. Mrs Gledhill stated that village green status would prevent any development on this well used local land. She disputed that any signage was visible until April 2010. She also disputed that the permission given for people to use the land was often

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not for local people but that local people had been using the land for recreational use since pre 1990.

53. The Committee considered the following points:

- The Head of Legal and Democratic Services confirmed that as stated in the conclusion of the report, two of the legal tests have not been met.
- Members acknowledged that the legal tests had not been satisfied.

54. The Committee agreed the officer recommendation and rejected the application.

55. Resolved - that application TVG30/26 to register Land known as Denne Hill and/or Barrackfield, Southwater as a town and village green be rejected.

### **Definitive Map Modification Order**

56. The Chairman confirmed that this report had been withdrawn and would be considered at the next meeting.

### **DMMO applications for BOATs and the Winchester College Case.**

57. The Chairman confirmed that this report had been withdrawn and would be considered at the next meeting.

### **Secretary of State's Decision**

58. The Committee received a report by the Head of Legal and Democratic Services regarding the confirmation of an order that had been submitted to the Secretary of State for determination (report attached to the signed copy of the minutes).

59. Resolved - that the report be noted.

The meeting ended at 4.35 p.m.

Chairman