

Rights of Way Committee

11 July 2017 – at a meeting of the Committee held at County Hall, Chichester.

Present: Mr Whittington (Chairman), Mr Acraman, Mr Baldwin, Dr O’Kelly, Mr Patel, Mrs Purnell and Mrs Russell.

Apologies: Mr Bradbury, Mrs Duncton and Mr Quinn.

Substitutes: Mr Patel.

Observing: Mr Buckland (substitute member).

Declarations of Interest

1. Mr Baldwin declared a personal interest as Member for Horsham East in item 2 ‘Application 4/16 – Addition of FP at Coney Croft’ on the Outstanding Applications and Delegated Decisions report.

Membership

2. Resolved – that the Committee noted the membership confirmed at Council on 16 May 2017.

Terms of Reference

3. Resolved – that the Committee noted the Terms of Reference.

Minutes

4. Resolved – that the minutes of the meeting held on 14 March 2017 be approved and signed by the Chairman as a correct record.

Previous Rights of Way Decisions

5. The Committee received and noted a report by the Director of Law and Assurance setting out the progress on previous delegated decisions and decisions made by the Committee (copy attached to the signed minutes).

6 Jonathan Perks advised that in relation to item 1 of the report ‘Haywards Heath: FP 25CU’, following the request of the Committee at its previous meeting, he is now in contact with Sainsbury’s property team to resolve the outstanding matter of the footpath diversion and a Permissive Path Agreement to formalise cycling.

7. Jonathan Perks advised that in relation to item 8 of the report ‘Southwater: BW1642, FPs 1650, 1651 diversion, extinguishment and creation’, this was an application made by Christ’s Hospital School under Highways Act 1980 Section 118B and Highways Act 1980 Section 119B in respect of extinguishment and diversion for school security purposes. 36 objections have been made. The applicant wishes to pursue the matter and the County Council is currently preparing the submission to the Secretary of State.

8. Christine Luff advised that in relation to item 14 of the report 'Fittleworth: FPs 702 and 2866 extinguishment', the SDNPA has objected and the submission is due to be sent to the Secretary of State shortly.

9. Christine Luff advised that in relation to item 17 of the report 'Findon: VG27 Nepcote House application CC3/13028 to remove land from the TVG Register', this has now been confirmed.

Outstanding Applications

10. The Committee received and noted a report from the Director of Highways and Transport and the Director of Law and Assurance outlining applications awaiting consideration (copy attached to the signed minutes).

11. Christine Luff advised that in relation to item 1, under section 1a 'Arundel: application no. 1/6: Addition of FP at Caen Stone Court', this is currently under investigation and will be considered by Rights of Way Committee in due course.

12. Christine Luff advised that in relation to items under section 1b 'Lurgashall: application no/ref CA 10/01: removal of part of CL32 Quellwood Common from the CL/TVG register' and 'Midhurst: application no/ref CA 10/02: removal of part of CL169 Midhurst Common from the CL/TVG register' both are corrections to the TVG Register and are currently under investigation. At the request of the Committee, the date of applications is to be added to the next Committee report.

13. It is noted that the Committee raised concern about the length of time taken to investigate many applications; this being a reflection of inadequate resources given to the Rights of Way team. Committee members were encouraged to raise the matter of the team's budget with the relevant Cabinet Members and/or Group leaders.

Recent Decisions by the Secretary of State

14. The Committee received and noted a report by the Director of Law and Assurance setting out the outcomes of recent decisions made by the Secretary of State (copy attached to the signed minutes). Information in addition to the report was provided in relation to the following items:

The West Sussex County Council (Worthing – No.1 (Worthing: Addition of a Footpath)) Definitive Map Modification Order 2012

15. Christine Luff advised that in relation to item 1 of the report, objectors had pressed for a public enquiry but did not attend when it was held. The order was confirmed by the Inspector.

The West Sussex County Council (Worthing – No.1 (Worthing: Addition of a Footpath)) Definitive Map Modification Order 2014

16. Christine Luff advised that in relation to item 2 of the report, the order was confirmed by the inspector.

***Appeal against WSCC decision not to make an order – DMMO 4/15
Stonelands, West Hoathly***

17. Christine Luff advised that in relation to item 3 of the report, the appellant exercised their right to appeal against the delegated decision that an order be not made. The appeal was dismissed by the Inspector. The time-period for the appellant to apply for a judicial review has now passed. Laura Floodgate clarified that a judicial review may only consider a point of law.

Date of Next Meeting

18 The Committee noted that its next scheduled meeting would be held at 2.15 p.m. on Tuesday 31 October 2017.

The meeting ended at 2.38 p.m.

Chairman