

## **Rights of Way Committee**

9 June 2015 – At a meeting of the Committee held at County Hall, Chichester.

Present:

Mr Acraman, Mr Burrett, Mr Clark, Mrs Duncton , Mr R Oakley\*, Mr Quinn, Mr R Rogers and Mr Whittington (Chairman).

Apologies:

Mr Metcalfe and Mr Bradbury. (\*Mr R Oakley attended the meeting as a substitute member)

## **Declarations of Interest**

1. There were no declarations of interest.

## **Minutes**

2. Resolved – That the minutes of the meeting held on 24 February 2015 be approved and signed by the Chairman as a correct record.
3. The Chairman provided an update relating to minute 53 of the previous meeting and confirmed to the Committee that a letter had been written to the Open Spaces Society concerning its objection to the Heyshott DMMO.

## **Previous Rights of Way Decisions**

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

## **Outstanding Applications**

5. The Committee received and noted a report from the Executive Director Residents' Services and the Director of Law, Assurance and Strategy outlining applications awaiting consideration (copy attached to the signed minutes).

## **Wildlife and Countryside Act 1981**

### **Steining: Application for a Definitive Map Modification Order (Application No: 1/14) to add a public footpath from Kings Barn Lane to Public Footpath 3204 (the riverbank) in the parish of Steining**

6. The Committee considered a report by the Director of Law, Assurance and Strategy concerning a Definitive Map Modification Order to add a public footpath from King Barns Lane to Public Footpath 3204 at the riverbank (copy appended to the signed version of the minutes). The Director of Law, Assurance and Strategy introduced the report and advised the Committee that following the receipt of additional evidence at the previous meeting the relevant period had been amended to 1972 – 1992. The original period had been 1992 – 2012. Following the change to the relevant period further consultation had been

conducted which had provided the opportunity for the submission of additional evidence from interested parties.

7. Cynthia Locke, local landowner spoke against the application. A countryside stewardship scheme in operation since 1981 had ensured that the route had been used with consent during the original relevant period of 1992 – 2012. The evidence presented for the use of the route during the period of 1972 – 1992 was considered by Ms Locke to be irrelevant or insubstantial. It was felt that the application had been motivated by a grievance between the applicant and the tenant farmer.

8. Roger Millman, former landowner spoke against the application. Mr Millman explained that since the closure of the railway line on the farm there had not been permission for anyone to use the track. The land had been farmed for a long period of time and walkers on the path had been told that no right of way existed. The existing rights of way in the area undermined any need for the additional path claimed by the application.

9. Lindy Moors, the applicant, provided a statement to be read to the Committee on her behalf. Mrs Moors outlined the difficulty of producing evidence for the new relevant period and outlined the disappointment of local walkers to the closure of the path.

10. David Barling, the local member spoke on the application. Mr Barling explained that the Parish Council regretted the closure of the path and was concerned by the loss of a local path. Mr Barling had spoken to a local resident who had claimed use of the path during the relevant period. It was recognised however that the determination of the application was a matter of law and without submitted evidence detailing use of the path the officer recommendation was accepted. Mr Barling appealed to the applicant to keep the path open.

11. The Committee recognised that in the absence of compelling evidence of use of the path during the relevant period the only option was to reject the application. Additional evidence had been referred to in the submission of the local member; the Committee could only rely on the summary of additional evidence, in support of the claim, contained in the report. Disappointment was expressed at the loss of a local path. *Clarification was provided to the Committee to explain that the applicant could appeal to the Secretary of State. At an appeal there would be an opportunity for the applicant to gather further evidence in respect of the use of the path.*

12. The officer recommendation was approved by a clear majority of the Committee.

13. Resolved – that a Definitive Map Modification Order, under section 53 (2) in consequence of an event specified in sub-section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981, to add a footpath from Kings Barn Lane to join with public footpath 3204 in the Parish of Steyning, not be made.

## **Secretary of State Decisions**

14. The Committee received and noted a report concerning the Secretary of State decision on a DMMO application for a public path at the Arcade in Worthing (copy appended to the signed version of the minutes).

**Date of Next Meeting**

15. The Committee noted that its next scheduled meeting would be held on 20 October 2015.

The meeting ended at 3.04 p.m.

Chairman