

Minutes of the meeting of the **Rights of Way Committee** held on Wednesday 13 March 2013 at 10.30am in the Council Chamber, Endeavour House, Ipswich.

Present: Councillors John Goodwin (**Chairman**), John Goldsmith, David Grutchfield, Christopher Hudson, Steve Hudson, Susan Maguire, Andrew Reid, David Ritchie, Bill Sadler (**Vice-Chairman**) and Andrew Stringer

Supporting officers present: Helen Taber-French – Committee Administrator, Andrew Rogers – Definitive Map Officer, David Last – Definitive Map Officer, Mary George – Senior Definitive Map Officer and David Stiff - Central Area Highways Manager.

47. **Apologies for Absence and Substitutions**

Apologies for absence were received from Bill Bishop, Andrew Cann John Sayers and Richard Smith, MVO.

48. **Declarations of Interests and Dispensations**

There were no Declarations of Interest.

49. **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 January 2013 were confirmed as a correct record, and signed by the Chairman.

50. **Claimed Bridleway Brundon Lane, Sudbury (Upgrade of Sudbury Public Footpaths 32 and 36)**

The Committee considered a report at agenda item 4 from the Director of Economy, Skills and Environment regarding a formal application for a claimed bridleway at Sudbury FP32 and FP36, known as "Brundon Lane".

Mr Hal Norman, the land manager at Brundon Hall Farm, addressed the Committee. Mr Norman informed the Committee that he did not object to proposed BR36, but did object to proposed BR32 for reasons including public safety and traffic management. Mr Norman informed the Committee that FP32 was a narrow lane. He raised concerns about lorries using the route at the same time as horse riders, to which officers had informed him that both users would have a right of way. Mr Norman informed the Committee that the gate was erected to stop vehicles using the route. The gate had adequate space either side of it to allow horse riders and walkers to continue using the route. Mr Norman added that if the Committee agreed with the proposal then he would be compelled to remove the gate. He commented that this would mean an increase of unauthorised vehicles using along the

route, which would compromise the safety of walkers and horse riders. He added that he would not be able to stop the vehicles using the route. Mr Norman also raised concerns with the user evidence.

The Committee heard from the officer that the Management Area Rights of Way Officer would need to deal with the existence of the gate as a management issue. There are powers under circumstances to authorise a structure on safety grounds. The Committee was asked to consider the evidence in respect of the existence of a bridleway along the claimed route.

The Committee was advised that the Local County Councillor supported the proposal.

Decision: On the proposition of David Grutchfield, seconded by Councillor Andrew Reid, the Committee, by majority agreed that a Modification Order be made under sections 53(3)(b) and 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement to record the investigated route as two bridleways between the points A-D and the points D-K, incorporate the particulars contained in paragraph 146, of the report, into the definitive statement and, under section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981, to delete the section of the investigated route within the maintainable highway between the points K-L from the definitive map and statement.

Reason for Decision: The Committee accepted that the user evidence was sufficient for the making of a Modification Order under the principles of Section 31 dedication and at common law. The Committee recognised that there was sufficient evidence of use of the route as a bridleway.

Alternative options: There were none considered.

Declarations of interest: There were none declared.

Dispensations: There were none reported.

51. **Claimed Public Footpath – Bartlet Hospital Site - Felixstowe**

The Committee received a report at Agenda Item 5 from the Director of Economy, Skills and Environment regarding a formal application in relation to claimed footpath on the Bartlet Hospital Site in Felixstowe.

The applicant, Mr Richard Moffat, addressed the Committee. Mr Moffat informed the Committee that there was of 31 years of history of the claimed footpath being used for various reasons. He commented that when the Bartlet Hospital closed so did the footpath. Mr Moffat questioned the reliance on maps for evidence, since many of the maps were pre 1926. He commented that even Undercliff Road East did not exist at this time, therefore it was not surprising that the claimed route was not shown on maps pre 1926. After 1926, the claimed footpath was indicated on maps. In addition, Mr Moffat referred to a newspaper article from 1860, which referred to an accident involving a horse and

cart along the claimed route. Mr Moffat suggested that this indicated the existence of a track along the claimed route. The Committee heard that when the Bartlet Hospital was built and walkers, cyclists and horse riders used the claimed footpath. He referred to the user evidence and was not surprised that there was little evidence. He informed the Committee that he had done a count of those interested. However, when the users were asked to fill in the user evidence forms they were put off by the language used on the form and the mention of providing evidence in a court.

Decision: On proposition Councillor David Grutchfield, seconded by Councillor Bill Sadler the Committee by majority agreed that the formal application be rejected and all interested parties be advised accordingly

Reason for Decision: The Committee accepted that the documentary evidence and user evidence were insufficient to raise even a reasonable allegation of public rights over the claimed route.

Alternative options: There were none considered.

Declarations of interest: There were none declared.

Dispensations: There were none reported.

52. **Verbal update on Public Footpath from Kipling's Meadow to the Stour Valley Walk in Sudbury, Suffolk and Borley, Essex**

The Committee received a verbal update at Agenda Item 6 from the Senior Definitive Map Officer in relation to the making of the Modification Order for two claimed footpaths from Kipling's Meadow to the Stour Valley Walk in Sudbury, Suffolk and Borley Essex.

At the its meeting on 16 January 2013, the Committee agreed to support the making of a Modification Order to add the two claimed footpaths to the Sudbury Definitive Map. Firstly a very short section of a longer footpath around a field, most of which is in Essex and secondly a footpath across Kipling's Meadow in Sudbury. A short section of this path is in Essex. The Committee recognised that there were procedural complications because the claimed routes straddle the county boundary.

The Committee heard that officers in the two authorities have discussed order making. In the light of the Committee's decision to make an order for the Kipling's Meadow footpath, which Essex had not recommended, it has been agreed that Suffolk will deal with order making under delegated authority from Essex.

53. **Proposed changed to Parking Restrictions on Folly Road, Great Waldingfield**

The Committee considered a report at agenda item 7 from the Director of Economy, Skills and Environment regarding an objection to the advertised Traffic Regulation Order (TRO) for the introduction of Prohibition and Restriction of Waiting on Folly Road, Great Waldingfield.

Mr Nathan Victorio, who had raised concerns in relation to the proposal, addressed the Committee. Mr Victorio informed the Committee that whilst he did not object to the proposal as such, his dispute was more to do with safety issues and that the proposal did not meet the needs of various issues surrounding Folly Road, including speeding. Mr Victorio commented that there was a need to emphasise safety for children in the village, particularly in view of the new development. He commented that many cars parked on Folly Road, and the yellow lines would mean that the cars would park further up Folly Road nearer to where a majority of children would be walking to and from school. He added that there was a need to consider all the issues of Folly Road, even if this meant that speed restrictions were considered as an alternative.

The Committee was advised that the Local County Councillor was in support of the proposal.

Decision: On proposition from Councillor Bill Sadler, seconded by Andrew Stringer the Committee unanimously agreed that the Cabinet Member of Roads and Transport be recommended to approve the making of the Suffolk County Council (Folly Road, Great Waldingfield) (Prohibition and Restriction of Waiting) Order 201-, as advertised.

Reason for Decision: The Committee recognised that the proposal would improve visibility and assist turning and passing movements of larger vehicles, such as buses and refuse vehicles at the junctions. The Committee acknowledged that the proposal would also make the requirements of the highway code with regards to “not parking opposite or within 10m of Junction” easier to enforce.

Alternative options: There were none considered.

Declarations of interest: There were none declared.

Dispensations: There were none reported.

54. **Information Bulletin**

The Committee noted the information provided within the information bulletin.

55. **Urgent Business**

There was no urgent business. The meeting closed at 11.16am.