

Minutes of the meeting of the **Rights of Way Committee** held on 4 September 2014 at 10.00am in the Elisabeth Room, Endeavour House, Ipswich.

Present: Councillors John Goodwin (**Chairman**), Helen Armitage, Nick Barber, Terry Clements, Mary Evans, Julian Flood, Bill Mountford, Keith Patience, Chris Punt, Bill Quinton, John Sayers, Andrew Stringer, Robert Whiting and David Wood.

Supporting officers present: Helen Taber-French (Committee Administrator), David Last (Definitive Map Officer), Cathy Collins (Definitive Map Officer), Jane Stevenson (Senior Legal Officer) Andrew Titcombe (Ipswich Area Engineer) Claire Starling (West Area Engineer) and Anthony Smith (Senior Engineer)

11. **Apologies for Absence and Substitutions**

There were no apologies for absence was received.

12. **Declarations of Interests and Dispensations**

Councillor Mary Evans declared a non-pecuniary interest in agenda item 11 by virtue of the fact she was the Local County Councillor.

Councillor Chris Punt declared a non-pecuniary interest in agenda item 4 by virtue of the fact that he was a member of the Ramblers Association.

Councillor Bill Quinton declared a non-pecuniary interest in agenda item 5 by virtue of the fact that he did know members of the Rugby Club who had interests in the land.

Councillor John Sayers declared a non-pecuniary interest in agenda item 6 by virtue of the fact that a family member lived close to Bungay and had interests in the town.

Councillor Robert Whiting declared a non-pecuniary interest in agenda item 5 by virtue of the fact he was the Local County Councillor for an adjoining division through which the length of the claimed right of way was accessed, and by virtue of the fact he was the District Councillor for Rushmere St Andrew and Parish Councillor for Rushmere St Andrew.

13. **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 June 2014 were confirmed as a correct record and signed by the Chairman.

14. **Claimed: One Bridleway and three Byways Open to All Traffic in South Cove/Covehithe**

The Committee considered a report at agenda item 4 from the Chief Fire Officer, Suffolk Fire and Rescue Services and Public Protection, Highway and Transport regarding a formal application relating to claimed three byways and a claimed bridleway in South Cove/Covehithe, referred to in the report as “Hitcham’s Lane”, “East-West claimed byway”, “North-South claimed byway” and “Claimed Bridleway”.

Decision: On proposition from Councillor Terry Clements and seconded by Councillor Nick Barber, the Committee unanimously agreed that the bridleway claim and the three byway claims are rejected, with all parties being advised accordingly.

Reason for Decision: The Committee agreed that the documentary evidence was not sufficient to support a reasonable allegation for an order being made.

Alternative options: None Considered.

Declarations of interest: See Minute No. 2.

Dispensations: None reported.

15. **Potential Public Footpath in Ipswich – link from Rushmere St Andrew Footpath 6 to Humber Doucy Lane**

The Committee considered a report at agenda item 5 from the Chief Fire Officer, Suffolk Fire and Rescue Services and Public Protection, Highway and Transport regarding a potential public footpath in Ipswich – Footpath 6 from Rushmere St Andrew to Humber Doucy Lane.

Decision: On proposition from Councillor Robert Whiting and seconded by Councillor Chris Punt, the Committee unanimously agreed to authorise the making of a modification order under Section 53(3) (c) (i) of the Wildlife and Countryside Act 1981 to add the route depicted on Map 2 to the definitive map as a public footpath and to incorporate the details in paragraph 42 in the definitive statement.

Reason for Decision: The Committee accepted that the documentary and user evidence, when considered on a balance of probabilities, were sufficient to show that a public footpath subsists from Rushmere St Andrew Footpath 6 to Humber Doucy Lane.

Alternative options: None considered.

Declarations of interest: See Minute No. 2.

Dispensations: None reported.

16. **Bungay Footpath 6**

The Committee considered a report at agenda item 6 from the Chief Fire Officer, Suffolk Fire and Rescue Services and Public Protection, Highway and Transport regarding footpath 6 in Bungay which was recorded as an anomaly as the definitive map and statement disagreed, likely due to a draughtsman's error.

Decision: On the proposition of Councillor Chris Punt, seconded by Andrew Stringer, the Committee unanimously agreed to authorise the making of a modification order under Section 53 (3) (c) (iii) to delete the incorrectly recorded line C-D from the definitive map and under Section 53 (3) (c) (i) to add the correct route A-B to the definitive map. The description in the definitive statement does not require amendment.

Reason for Decision: The Committee agreed that the documentary evidence when considered on a balance of probabilities was sufficient to show that a draughtsman's error was made on the first definitive map which was repeated in the 1961 and current maps.

Alternative options: None Considered.

Declarations of interest: See Minute No.2.

Dispensations: None reported.

17. **Claimed Village Green in Butley**

The Committee considered a report at agenda item 7 from the Chief Executive regarding an application for a village green in Butley as shown on the map attached to the report.

In response to members' questions the Committee was advised that according to land registry Mr Dalton was the landowner however the land was a recorded highway which limited its use.

Decision: On the proposition of Councillor Nick Barber, and seconded by Councillor Robert Whiting the Committee unanimously agreed to reject the application for the claimed village green in Butley.

Reason for Decision: The Committee recognised that there was insufficient evidence of use during the relevant 20 year period.

Alternative options: None considered.

Declarations of interest: See Minute No.2.

Dispensations: None reported.

18. **Claimed Village Green in Wickham Market**

The Committee considered a report at agenda item 8 from the Chief Executive regarding an application for a village green in Wickham

Market, as shown on the map attached to the report. The Committee was aware that the County Council owned the land, and that officers had taken independent legal advice, which was that officers were correct to recommend rejection of the application.

Decision: On the proposition of Councillor Robert Whiting, and seconded by Councillor Terry Clements, the Committee agreed by majority to reject the application for the Claimed village green in Wickham Market.

Reason for Decision: The Committee acknowledged that there was insufficient evidence of use for lawful sports and pastimes in the relevant 20 year period.

Alternative options: None Considered.

Declarations of interest: See Minute No.2.

Dispensations: None reported.

19. **Suffolk County Council (Ipswich Borough Council) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Places) (Consolidation) Order 2005 (Olympus Close) (Prohibition of Waiting) (Variation) (Experimental) Order 2013- Objections**

The Committee considered a report at agenda item 9 from the Chief Fire Officer, Suffolk Fire and Rescue Service and Public Protection, Highways and Transport regarding objections to an experimental Traffic Regulation Order (TRO) for the prohibition of waiting in Olympus Close, Ipswich.

The Committee heard that the Local County Councillor was in support of the proposal and that the scheme made the area safer.

Decision: On the proposition of Councillor Terry Clements, and seconded by Councillor Nick Barber, the Committee unanimously agreed that the Cabinet Member for Roads, Transport and Planning be recommended to approve that the provision of the 'Suffolk County Council (Ipswich Borough Council) (Permitted Parking Area and Special Parking Area) (Waiting Restrictions, Loading Restrictions, Loading Areas and On-Street Parking Places) (Consolidation) Order 2005 (Olympus Close) (Prohibition of Waiting) (Variation) (Experimental) Order 2013' be made permanent.

Reason for Decision: The Committee acknowledged that the prohibition of waiting scheme had addressed the issue of parked vehicles obstructing the safe access of HGVs to the industrial businesses located in Olympus Close. The Committee agreed that

making the TRO permanent would continue to meet this objective, and be beneficial for the local businesses.

Alternative options: None Considered.

Declarations of interest: See Minute No. 2.

Dispensations: None reported.

20. **Suffolk County Council (Parish of Newmarket) (Various Roads)**

(Prohibition of Waiting Order 20-

The Committee considered a report at agenda item 10 from the Chief Fire Officer, Suffolk Fire and Rescue Service and Public Protection, Highways and Transport regarding objections to the advertised Traffic Regulation Order (TRO) of a prohibition of waiting in Black Bear Lane, Newmarket.

Decision: On the proposition of Councillor Robert Whiting, and seconded by Councillor John Sayers, the Committee unanimously agreed that the Cabinet Member for Roads, Transport and Planning be recommended to approve the making of Suffolk County Council (Various Roads, Newmarket) (Prohibition of Waiting) Order 20- as advertised.

Reason for Decision: The Committee acknowledged that the proposed restrictions within the TRO was in line with The Highway Code and would also improve visibility when vehicles are turning out of Doris Street and Falmouth Street.

Alternative options: None considered.

Declarations of interest: See Minute No.2.

Dispensations: None reported.

21. **Suffolk County Council (Parish of Lidgate) (U7051 Bury Lane)**

(Prohibition of Motor Vehicles with Exemptions) Order 201-

The Committee considered a report at agenda item 11 from the Chief Fire Officer, Suffolk Fire and Rescue Service and Public Protection, Highways and Transport regarding objections to the advertised Traffic Regulation Order for the prohibition of motor vehicles with exemptions in Bury Lane, Lidgate.

Councillor Mary Evans addressed the Committee as the Local County Councillor and was in support of the proposal. Councillor Evans informed the Committee that the main road in Lidgate was often busy with traffic. Bury Lane was a place to get some peace and quiet from the traffic and there was no need for vehicles to use it. Councillor Evans explained that recently two quad bikes had been using the lanes

and had a near miss with walkers and their children and dogs. The Committee heard that the residents of Lidgate wished to use and enjoy the lanes for family walks with their children without the fear of quads and other motorised vehicles on the routes.

Decision: On proposition from Councillor Terry Clements, seconded by Andrew Stringer, the Committee unanimously agreed that the Cabinet Member for Roads, Transport and Planning be recommended to approve the making of the Suffolk County Council (Parish of Lidgate) (U7051 Bury Lane) (Prohibition of Motor Vehicles with Exemptions) Order 201- as advertised.

Reason for Decision: The Committee acknowledged that the U7051 Bury Lane was not part of a through route for motorised vehicles as it connected only to Bridleway No.1 to the east. The Committee recognised that restricting motorised vehicles (except for legitimate access to land or property) from Bury Lane would avoid danger to persons using the road; prevent damage to the road; facilitate the passage of non-motorised users; prevent the use of the road by vehicular traffic of a kind that is unsuitable; preserve the character of a road that is specially suitable for horses and pedestrians; and preserve the amenities of the area through which the road runs.

Alternative options: None considered.

Declarations of interest: See Minute No. 2.

Dispensations: None reported.

22. **Information Bulletin**

The Committee noted the Information Bulletin.

23. **Urgent Business**

There was no urgent business

The meeting closed at 10.40pm.