

**MINUTES** of a meeting of the **REGULATORY, LICENSING & APPEALS COMMITTEE** held on **23 MAY 2016** at County Hall, Matlock.

**PRESENT**

Councillor Janet Hill (in the Chair)

Councillors: G Birkin, D Charles (substitute member), J Innes, D McGregor, R A Parkinson, Mrs M Stockdale, J S Street and D Taylor

Apologies for absence were submitted on behalf of Councillors J Frudd and J G Williams.

**15/16      DECLARATIONS OF INTEREST** Councillor J Street, declared a personal interest in relation to Agenda Item 5, as she had made written submissions in relation to the matter during the consultation period.

**16/16      MINUTES RESOLVED** that the minutes of the meeting held on 29 February 2016 be confirmed as a correct record and signed by the Chair.

**17/16      WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM CARR ROAD TO PUBLIC FOOTPATH No. 42, BUXTON**

Members were informed that an application had been received in April 2013 to add a public footpath to the Definitive Map and Statement in Buxton. The application was accompanied by seven user evidence forms, a copy of the deed plan produced by Gleeson Homes for 1 Carr Road, Buxton, a copy of the letter/notice appealing for people to complete user evidence forms and photographs of the claimed route. A plan showing the claimed route was appended the Director of Legal Services report. The western section of the route labelled B-C on the attached plan was recorded as definitive footpath No. 42 and would not form any part of any Definitive Map Modification Order.

It was noted that on 18 July 2013 High Peak Borough Council granted planning permission for twelve dwellings on the land crossed by the claimed route. In June 2015 the land was sold to Davis and Davis Properties Limited.

An informal consultation exercise was carried out between 15 December 2014 and 19 January 2015. Responses were received both in favour of and in objection to the claim, and were detailed in the Director of Legal Services report.

The Director of Legal Services summarised all of the available evidence as detailed in the report and gave his conclusions to the Committee.

**RESOLVED** to reject the application to make an Order under section 3 of the Wildlife and Countryside Act 1981 and to amend the Definitive Map and Statement by adding a public footpath in Buxton from point A to point B as detailed on the plan attached to the Director of Legal Services report.

**18/16      WILDLIFE AND COUNTRYSIDE ACT 1981 – APPLICATION TO ADD A BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG NON-CLASSIFIED HIGHWAY IN PIN DALE – PARISHES OF CASTLETON AND BRADWELL**

Members were asked to consider the available evidence relating to a non-classified

highway in Pin Dale and to determine whether to authorise the making of a Definitive Map Modification Order (DMMO) to add the route to the Definitive Map and Statement.

A DMMO claim dated 3 November 2005 was received by the County Council the effect of which, if such an order was confirmed, would be to add the non-classified highway in Pin Dale to the Definitive Map and Statement of public rights of way as a Byway Open to All Traffic (BOAT).

In support of the claim the applicant provided copies of certain items of documentary evidence including the Castleton Tithe Plan, Ordnance Survey Maps and plans and various other documents either showing or referring to the route. Consultation was carried out in December 2015 with various groups and individuals on the claim it had received including the relevant landowners, local and national rights of way user groups, the District Council and the Parish Council. The consultees were asked whether they were aware of any evidence or information which might be helpful to the Council in terms of deciding what level of public access rights existed over the claimed route. Details of the consultation responses were given in the Director of Legal Services report.

The Assistant Director of Legal Services summarised all of the available evidence as detailed in the report and gave her conclusions to the Committee.

**RESOLVED** to authorise the making of an Order under section 53 of the Wildlife and Countryside Act 1981 to add the non-classified highway in Pin Dale, shown between points A and B on the plan appended to the report and the short linking spur between points B and C, to the Definitive Map and Statement for the area as a Byway Open to All Traffic.

**19/16      WILDLIFE AND COUNTRYSIDE ACT 1981 – APPLICATION TO ADD A BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG NON-CLASSIFIED HIGHWAY KNOWN AS MININGLOW LANE AND GALLOWLOW LANE, PARISHES OF BRASSINGTON AND BALLIDON** Members were asked to consider the available evidence relating to the non-classified highway known as Mininglow Lane and Gallowlow Lane, and to determine whether to authorise the making of a Definitive Map Modification Order (DMMO) to add the route to the Definitive Map and Statement. A DMMO claim dated 27 July 2005 was received by the County Council, the effect of which, if such an order was confirmed, would be to add Mininglow Lane and Gallowlow Lane to the Definitive Map and Statement of public rights of way as a Byway Open to All Traffic (BOAT).

In support of the claim the applicant provided copies of certain items of documentary evidence including the relevant tithe plan, the Council's highway maintenance records and various other maps and plans showing the route. Consultation was carried in December 2015 with various groups and individuals regarding the claim it had received, including any relevant landowners, local and national rights of way user groups, the District Council and the Parish Council. The consultees were asked whether they were aware of any evidence or information which might be useful to the Council in terms of deciding what level of public access rights existed over the claimed route. Details of the consultation responses were given in the Director of Legal Services report.

The Assistant Director of Legal Services summarised all of the available evidence as detailed in the report and gave her conclusions to the Committee.

**RESOLVED** to authorise the making of an Order under section 53 of the Wildlife and Countryside Act 1981 to add the route known as Mininglow Lane and Gallowlow Lane, shown between points A and B on the plan appended to the report to the Definitive Map and Statement for the area as a Byway Open to All Traffic.

**20/16      WILDLIFE AND COUNTRYSIDE ACT 1981 – APPLICATION TO CHANGE THE DESCRIPTION OF BYWAY OPEN TO ALL TRAFFIC NO 157 PARISH OF ASHOVER** Members were asked to consider the available evidence relating to a Definitive Map Modification Order (DMMO) application with regard to Byway Open To All Traffic (BOAT) No. 157 in the parish of Ashover.

In March 2014 the applicant had submitted a DMMO application to the effect that certain evidence that he was aware of showed the current description of Ashover BOAT No. 157 in the Definitive Statement held by the Council was inaccurate and required modification.

The application was specifically concerned with the section of the BOAT extending from the junction with the access road leading to Marsh Green House, generally north-westwards to the ford crossing of Marsh Brook and relating to two issues. These were the issue of what width the route ought to be recorded as having and the lack of any reference in the order to historic gating points along that section of the route. Details of the application were given in the Director of Legal Services report.

Consultation was carried out in February 2016 with District and Parish Councils on the application it had received. The consultees were asked whether they were aware of any evidence or information that might be helpful to the Council in terms of deciding whether to modify the Definitive Map. Details of the consultation responses were given in the Director of Legal Services report.

The Assistant Director of Legal Services summarised all of the available evidence as detailed in the report and gave her conclusions to the Committee.

**RESOLVED** to reject the claim to modify the Definitive Map and Statement for BOAT No. 157.