

MINUTES of a meeting of the **REGULATORY, LICENSING & APPEALS COMMITTEE** held on **31 OCTOBER 2016** at County Hall, Matlock.

PRESENT

Councillor J G Williams (in the Chair)

Councillors: G Birkin, S Freeborn (substitute member), J Frudd, Janet Hill, J Innes, D McGregor, R A Parkinson and D Taylor

Apologies for absence were submitted on behalf of Councillors M Stockdale and J S Street.

40/16 **MINUTES** **RESOLVED** that the minutes of the meeting held on 12 September 2016 be confirmed as a correct record and signed by the Chair.

41/16 **PROPOSED PUBLIC PATH CREATION AGREEMENT FOR A PUBLIC FOOTPATH FROM CHURCH STREET, VIA THE WAR MEMORIAL, TO LONG LANE, PARISH OF DETHICK, LEA AND HOLLOWAY** Authority was sought for the Director of Legal Services to enter in a Public Path Creation Agreement with Dethick, Lea and Holloway Parish Council for a public footpath over land owned by the Parish Council.

Members were informed that the Parish Council owned woodland on the hillside situated between Church Street and Long Lane, Holloway and wished to dedicate public rights on foot over an existing well defined path that threaded its way up hill through woodland from Church Street and entered Long Lane adjacent to the war memorial. The path was in good repair and would create a valuable addition to the existing rights of way network, providing a pleasant woodland walk with fine views from the war memorial.

It was therefore proposed to enter into a Public Path Creation Agreement with the Parish Council under section 25 of the Highways Act 1980 whereby footpath rights would be dedicated over a distance of approximately 378 metres at a width of 1.8metres. It was shown on the plan appended the Strategic Director's report as a bold broken line between points A-B.

The local member and Amber Valley Borough Council had been consulted and had no objections to the proposal.

RESOLVED that the Director of Legal Services be authorised to enter into a Public Path Creation Agreement with Dethick, Lea and Holloway Parish Council under section 25 of the Highways Act 1980, for the creation of a public footpath shown on the plan appended to the report, as a bold broken line between points A-B, having a width of 1.8metres.

42/16 **COMMONS ACT 2006 – APPLICATION TO REGISTER LAND AT MILL LANE, HILTON, AS A TOWN OR VILLAGE GREEN (VG146)** Members were asked to determine an application under the Commons Act 2006 to register land at Mill Lane, Hilton as a town or village green.

The application had been received on 14 October 2016 from Hilton Parish Council. It related to land described in the application as Mill Lane Recreation

Ground at Mill Lane, Hilton. The land subject to the application was shown hatched on the plan appended to the Director of Legal Services report.

The Parish Council had provided with the application a copy of the conveyance dated 25 August 1950, which vested the land in the Parish Council.

Although the land had been previously known as Mill Lane Recreation Ground the Parish Council had indicated that it wished in future to refer to the land as The Green.

There was no requirement to advertise the application or to notify any other authority prior to disposal of the application. The local Elected Member had been notified of the application.

Registration of land as a town or village green protected the rights of local inhabitants to use the land for lawful sports and pastimes. The register of town or village greens did not record the locality, or neighbourhood within a locality, relied on in establishing the rights of local inhabitants. However, at question 6 of the application form the applicant had indicated that the locality which the claimed green related was the Parish of Hilton.

RESOLVED to approve application VG146 for the registration of the land at Mill Lane, Hilton, as shown hatched on the plan appended the Director of Legal Services report as a town or village green and authorise the Director of Legal Services to add the land to the register of town or village greens.

43/16 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM HANDS ROAD TO PUBLIC FOOTPATH No. 55, HEANOR TO THE DEFINITIVE MAP AND STATEMENT Members were informed that the County Council had received an application in September 2008 to add footpaths to the Definitive Map and Statement from Hands Road to Public Footpath No. 55 in Heanor. The application was accompanied by a letter, photographs of the route and 21 user evidence forms. A plan showing the claimed route was appended to the Director of Legal Services report.

Consultation was undertaken in December 2011 and January 2012. Notices were placed at either end of the route at the start of the consultation period. A consultation letter was also sent to the then locally Elected Member Councillor Parkinson.

A letter was received from Amber Valley Borough Council as the landowner stating that they would be prepared to agree to the creation of a footpath along the claimed route as long as it did not affect the development on land to the north.

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 made under section 53 of the Wildlife and Countryside Act to add footpaths from Hands Road to Public Footpath No. 55, Heanor, as shown on the plan attached to this report to the Definitive Map and Statement.

44/16 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD THREE FOOTPATHS BETWEEN YEARDSLEY LANE AND PARK CRESCENT, FURNESS VALE, PARISH OF WHALEY BRIDGE

Members were informed that the County Council had received an application in November 1988 to add three footpaths to the Definitive Map and Statement from Yeardsley Lane to Park Crescent in Whaley Bridge. Following correspondence with the applicant it was agreed to remove one of the claimed routes from the application, leaving two routes to be considered. The application was accompanied by a plan and 19 user evidence forms. It appeared that following the public consultation in 1989 the matter was put on hold after one of the witnesses indicated that several of the witnesses wished to withdraw their evidence and submit fresh information. The further evidence was never submitted and the file was closed. The matter was brought back to the attention of Legal Services when an email was received in September 2016 from the representatives of a potential buyer of an adjacent property. The searches had revealed that the claim was still on the Council's register of applications.

A plan showing the claimed route was appended to the Director of Legal Services report.

Consultation was carried out from 10 March 1989, with no deadline set for representations. Four responses were received to the claim, details of which were given in the Director of Legal Services report.

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

RESOLVED to reject the application to make an order under section 53 of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement by adding three footpaths between Yeardsley Lane and Park Crescent in Furness Vale, as shown on the plan appended to the Director of Legal Services report.