

**MINUTES OF A MEETING OF THE RIGHTS OF WAY COMMITTEE HELD AT  
COUNTY HALL, LLANDRINDOD WELLS ON THURSDAY 23<sup>RD</sup> SEPTEMBER  
2010**

**PRESENT:** County Councillor J. Holmes (Chairman)  
County Councillors P.J. Ashton, L.R.E. Davies, D.O. Evans, W.J. Evans, M.D. Hodges, M.J. Jones, Mrs. F.H. Jump, W.G. Lewis, E.T. Morgan, Mrs. C.E. Powell, Mrs. J.G. Shearer, J. Steadman and Mrs. B. Vaughan.

In attendance: County Councillor Gwyn Gwillim (Portfolio holder for Leisure and Recreation)

<b>1.</b>	<b>ELECTION OF VICE-CHAIRMAN</b>	<b>RW7 - 2010</b>
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**RESOLVED that County Councillor L.R.E. Davies be elected Vice-Chairman of the Rights of Way Committee for the ensuing year.**

<b>2.</b>	<b>APOLOGIES</b>	<b>RW8 - 2010</b>
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Apologies for absence were received from County Councillor D.E. Davies.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>RW9 – 2010</b>
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County Councillor W.G. Lewis declared an interest in item 9 (Charging Policy: Public Path Orders) as he would be submitting an application for diversion of a footpath).

<b>4.</b>	<b>MINUTES</b>	<b>RW10 - 2010</b>
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The Chairman was authorised to sign the Minutes of the meeting held on the 25<sup>th</sup> March 2010 as a correct record subject to it being recorded that County Councillor L.R.E. Davies gave his apologies.

<b>5.</b>	<b>THE PRODUCTION OF A NEW DIGITAL CONSOLIDATED DEFINITIVE MAP &amp; STATEMENT OF PUBLIC RIGHTS OF WAY FOR MONTGOMERYSHIRE</b>	<b>RW11 - 2010</b>
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The Committee received for information the report of the Countryside Services Manager (copy filed with the signed minutes).

<b>6.</b>	<b>TRAINING NOTE – DEREGISTRATION AND EXCHANGE – REMOVAL OF COMMON LAND FROM THE REGISTERS</b>	<b>RW12 - 2010</b>
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The Committee received for information a training note upon the process of removing common land from the registers.

<b>7.</b>	<b>REMOVAL OF LAND FROM THE REGISTER – PART OF BCL 78</b>	<b>RW13 - 2010</b>
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The Committee considered the report of the Countryside Services Manager upon an application for the removal of part of Mynydd-y-Drum (BCL 78) from the Commons Register. Part of Mynydd-y-Drum Common had been acquired by Brecknockshire

County Council in the 1970s to construct the Abercrave to Onllwyn Link Road and this application was an administrative exercise to update the Register of Common Land to accurately reflect the current legal situation.

**RESOLVED** that the tract of approximately 9.92 Ha of land, being part of register unit number BCL 78, known as Mynydd-y-Drum, in the Communities of Tawe Uchaf & Ystradgynlais, Powys be removed from the Register of Common Land.

<b>8.</b>	<b>PUBLIC PATH ORDERS: WORKLOAD AND PRIORITISATION</b>	<b>RW14 - 2010</b>
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The Committee considered the report of the Countryside Services Manager (copy filed with the signed minutes).

It was noted that there was still significant backlog of public path order applications (144) and that this represented between 5 and 8 years work. Applications were prioritised according to the following broad categories (listed in order of priority):

1. Proposals where a public path order is necessary to allow for permitted development;
2. Proposals removing significant maintenance liabilities or those resolving immediate health and safety risks;
3. Proposals resolving longer-term, potential health and safety risks and those resulting in overall improvement to the rights of way network;
4. Proposals that are felt to be primarily in the interests of the applicant (but not related to permitted development).

**RESOLVED** that the Committee continues to support the officer prioritisation of the public path order workload, which uses the working method outlined in the report.

<b>9.</b>	<b>CHARGING POLICY: PUBLIC PATH ORDERS</b>	<b>RW15 - 2010</b>
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County Councillor W.G. Lewis, having declared an interest in this item, left the room and took no part in the decision.

The Committee considered the report of the Countryside Services Manager (copy filed with the signed minutes). A member/officer working group had met in September 2009 and in March 2010 to review the current charging policy. The group's recommendations for a revised policy framework were set out in the report.

**RESOLVED** that the Rights of Way Committee commends the report and its contents to the Portfolio Holder for consideration as adopted policy.

County Councillor L.R.E. Davies left the meeting at 12 noon. County Councillor W.G. Lewis returned.

10.	<b>RURAL TOURISM – CONSULTATION LETTER FROM WAG</b>	<b>RW16 - 2010</b>
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The Committee considered a letter from the Chairman of the Welsh Assembly Government's Rural Development Sub-Committee which was undertaking an inquiry into Rural Tourism in Wales.

The Portfolio Holder for Leisure and Recreation advised the Committee that tourism lay within the Regeneration portfolio and therefore his own input was minimal.

Several comments were made by Members which were noted.

**RESOLVED that the Countryside Services Manager draft a letter for the Chairman to respond to the consultation and copy the response to the Minister; also that the Countryside Services Manager produce a template and bullet points to assist Committee Members to comment as individuals.**

11.	<b>POWYS RESIDENTS TELEPHONE SURVEY 2009-10</b>	<b>RW17 - 2010</b>
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The Committee received a copy of the final report of the Powys Residents Survey 2009/10. It was noted that 74% of respondents were satisfied with the maintenance service for rights of way, and 10% who were neither satisfied nor dissatisfied.

12.	<b>PINS DIRECTION BACK LANE SUFFOLK &amp; PINS AWARD OF COSTS DECISION DEVON CC</b>	<b>RW18 - 2010</b>
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The Committee received for information copies of decision letters issued by DEFRA and the Planning Inspectorate (copies filed with the signed minutes) :

Wildlife and Countryside Act 1981: Section 53

Application for Direction under paragraph 3(2) of Schedule 14 by Theberton and Eastbridge Parish Council for an Order to modify the Definitive Map and Statement by adding a right of way to Back Lane, Eastbridge, Suffolk.

The Secretary of State has decided not to issue a direction to the Council

Wildlife and Countryside Act 1981, Schedule 15 (as amended) and the Local Government Act 1972, section 250(5)

Application for a full or partial award of costs against Berrynarbor Parish Council and/or Devon County Council.

The Inspector ordered Devon County Council to pay costs to the landowner and objector, due to the failure of the Council to demonstrate why its Rights of Way Committee had taken a decision to make an order contrary to its officers' recommendations and without clear reasons based in fact.

J.C. HOLMES  
Chairman