

RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 28 September 2022

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Jonathan Andrews (Vice-Chairman)
Councillors Mike Botting, Alisa Igoe, Chris Price,
Michael Tickner and Thomas Turrell

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Cllr Stranger and Cllr Turrell attended as substitute.

2 DECLARATIONS OF INTEREST

Regarding the previous Rights of Way Sub-Committee meeting on 23rd September 2021, and the item relating to the proposed Public Right of Way at Heathside, Petts Wood, Cllr Fawthrop declared that he didn't attend the meeting as he had made a donation to this campaign.

3 MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2021

Please see the above note re Cllr Fawthrop. The Minutes of the meeting held on 23 September 2021 were agreed and signed as a correct record.

4 QUESTIONS

Four questions were received – one for oral reply at the meeting and three for written reply. These are set out at Appendix A to these minutes.

5 PROPOSED PUBLIC RIGHT OF WAY AT HAYES STREET FARM, HAYES

Report No. ES20127

The Sub-Committee was asked to determine an application for a Definitive Map Modification Order to recognise a public right of way at Hayes Street Farm, Hayes, Bromley. The application had been made under the Wildlife and Countryside Act 1981 which placed a duty on the Council, as the Surveying Authority for public rights of way, to keep the Definitive Map and Statement under continuous review.

The Council had commissioned Sue Rumfitt Associates to investigate the application and their report contained all the relevant evidence. Their recommendation was that, on balance, the application for a bridleway should be refused, but an Order should be made to record a footpath along the application route, on the basis that it can be reasonably alleged that a footpath subsists. The Sub-Committee also received a letter from Burgess Salmon dated 27 September 2022 drawing attention to various matters including the planning permission granted for a development now under construction.

In response to a question, officers confirmed that should the footpath be added to the Definitive Map, the standard width of the path would be designated as 2 metres wide, following the 2007 Defra guidance and as stated in the report, but there could be narrower points as necessary.

RESOLVED that the Director of Corporate Services and Governance, in consultation with the Director of Environment and Public Protection, be authorised to make a Definitive Map Modification Order under section 53(c)(i) of the Wildlife and Countryside Act 1981 to add a footpath to the Definitive Map and Statement for the route shown from A-F on the plan in Appendix A and make an Order under Section 53(3)(c)(ii) for the route shown on the said plan.

The Meeting ended at 7.15 pm

Chairman

RIGHTS OF WAY SUB-COMMITTEE

28 September 2022

Questions from Members of the Public

(A) Question for Oral Reply

1. From Richard Gibbons to the Chairman of the Rights of Way Sub-Committee

In considering Agenda item 5, will members take account of recommendations in (a) LB Bromley's ROW Improvement Plan to enable/increase year-round active travel to primary/secondary schools and Bromley College in/between Hayes and Bromley Common, supporting Travel Plans; (b) active travel aspirations of LB Bromley's LIP3 transport strategy?

References:

LBB Rights of Way Improvement Plan, 2007

<https://www.bromley.gov.uk/downloads/file/1243/rights-of-way-improvement-plan>

7. Objectives and Improvements (p36): *Improve the contribution RoW can make to sustainable travel through better connectivity to key attractors, such as schools, workplaces, retail centres, leisure sites and transport interchanges as well as parks and open spaces.*

LBB Local Implementation Plan (LIP3)

<https://www.bromley.gov.uk/downloads/file/1177/local-implementation-plan-lip3->

- **Executive Summary** (p7): *Walking investment will also be directed towards promoting walking to school to reduce the negative traffic and parking impacts associated with the school run and promote healthy, active lifestyles from a young age.*
- **Executive Summary** (p10): *Promoting and expanding public and active travel options for school journeys is essential to reduce school-run trips which cause congestion, local parking issues and safety concerns at the beginning and end of the school day.*
- **Walking Infrastructure** (p50): *A key Council priority is to reduce car trips to school through greater uptake of active and independent school journeys. These healthy and safe routes to schools will be created through infrastructure improvements alongside behaviour change education.*

Reply:

The Chairman explained that the role of the Sub-Committee was quasi-judicial in nature and was to consider the evidence before them.

Supplementary Question from Cllr Alisa Igoe:

Councillor Igoe commented that the Sub-Committee had only met seven times in twelve years and asked whether all cases were considered by the Sub-Committee.

Reply:

The Chairman responded that the Sub-Committee met to consider all relevant cases – there were likely to be more meetings in future as a pipeline of cases was building up.

(B) Questions for Written Reply

1. From Joanna North to the Chairman of the Rights of Way Sub-Committee

Last year's sub-committee meeting was held in private to discuss an application made by the Chair of Friends of Crofton Heath for adding two anciently mapped paths to the Definitive Map. The application routes cross a parcel just under 8 acres of woodland sold by the Norman Family (Rookery Estates) in 2019. The committee commented that it would not be possible to develop over these two paths.

Can the Sub-Committee explain in more detail their concerns regarding the "development" they refer to, and confirm when the Definitive Map will be revised to include these Bridleways?

Reply:

The meeting on 23rd September 2021 was not held in private and was in relation to the addition of a Public Footpath. A councillor raised a question about development, but this was purely hypothetical and did not relate to any actual proposal. The Definitive Map will be revised shortly.

2. From Nicola Brown to the Chairman of the Rights of Way Sub-Committee

Can the Sub-Committee justify what appears to be an abuse of process, giving the public just 2 days to comment on a report, which councillors and other parties have held for a considerable period, and have already been advised to oppose.

Reply:

There is no abuse of process. The agenda and report for this meeting was published on Tuesday 20th September, five clear working days before the day of the meeting, in accordance with the legal requirements - Councillors and interested parties did not see the report before this. Councillors will consider the evidence presented in the report and come to a decision – we have not been advised to oppose anything.

3. From Richard Gibbons to the Chairman of the Rights of Way Sub-Committee

Are Bromley Common & Holwood Ward Councillors aware of this meeting and agenda item 5, and likewise which local ROW user groups have been informed, i.e schools, college, walking and cycling groups?

Reply:

The Council has no legal obligation to consult these groups. Signs would have been placed on site by the Claimant to inform all users of the route of the claim.