

RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held at 7.30 pm on 10 July 2013

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Julian Grainger (Vice-Chairman)
Councillors Julian Benington, Ellie Harmer,
Richard Scoates and Harry Stranger

8 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Gordon Norrie.

9 DECLARATIONS OF INTEREST

There were no declarations of interest.

10 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

11 MINUTES OF THE MEETING HELD ON 1st NOVEMBER 2011

RESOLVED that the minutes of the meeting held on 1st November 2011 be confirmed.

12 SUB-COMMITTEE TERMS OF REFERENCE Report RES13135

At the request of the Chairman and Vice-Chairman, the Sub-Committee received a report on its terms of reference. It was noted that the Sub-Committee's remit amounted to "non-vehicular highway matters within the terms of reference of the General Purposes and Licensing Committee." The Chairman proposed that General Purposes and Licensing Committee be asked to consider extending this to include those vehicular highways within the terms of reference of the Committee, associated with routes shown, or capable of being shown, on the Definitive Map of Public Rights of Way.

RESOLVED that the General Purposes and Licensing Committee be requested to review whether the Sub-Committee's Terms of Reference should be extended to also include vehicular highway matters as summarised above.

13 PROPOSED DIVERSION OF PUBLIC FOOTPATH 288
SILVERSTEAD LANE, BIGGIN HILL
Report ES13060

Footpath 288 ran from Silverstead Lane at its northern end, southwards for some 230m to the Borough Boundary with Kent County Council, just beyond which it joined with the North Downs Way. The route was shown as a continuous black line, between points A and B, on drawing no. 11372-02, attached to the report. The current owner of the property shown on the drawing as Silversted had made a diversion application to the Council under section 119 of the Highways Act 1980 for the diversion of the current route of the footpath across his land to the route shown as a dashed line between points C and D on the drawing.

The current route of the path ran parallel with and some 12.0m east of the western boundary of the property. It was not enclosed by fencing but did have two stiles, one at each of points X and Y on the drawing. The proposal was for the diverted path to run adjacent to the western boundary of the land with a minimum width of 2.0m, between low (around 1.0m in height) post and wire fences.

A further drawing, number 11372-03, showed the boundary of the property associated with Silversted. From this it could be seen that a short section of the proposed route ran over land outside the applicant's control. The owner of the adjoining land, Squerryes Estate, had been contacted by the applicant and had raised no objection to part of the proposed route running over a section of their land.

The applicant had made the diversion request on the ground that it would enable him to maximise his use of the land by not having a footpath effectively cutting off the western section of it. The proposal would also move the path away from the dwelling which was perceived to have a security benefit. The proposed route would be free from stiles making it more accessible to all users and thus could be considered as being of benefit to the public. The route of the diversion would have a similar surface to the existing route in that it would run over the grassed surface of the field. As such it was not considered necessary to include any reference in the Order to bringing the surface of the new route up to any particular standard or to delaying the date on which the Order, if confirmed, became effective.

Extensive consultation had been carried out including with the Ward Member, Environment Bromley, local Ramblers Association and British Horse Society representatives and public utility companies. No objections had been received. The Council's costs associated with the making and advertising of the Order, and including changing the signs, estimated at £1,500, would be recovered from the applicant.

A Member queried whether the map was very slightly inaccurate where it indicated the northern entrance to the path and a curve around a tree at point C; it was confirmed that these issues would be clarified if necessary in a more detailed map.

RESOLVED that the Director of Corporate Services, in consultation with the Executive Director of Environment and Community Services, be authorised to take the necessary steps to make a Public Path Diversion Order for Footpath 288 as shown on drawing no. 11372-02, and if no objections are received, or any such objections are withdrawn, to confirm the Order.

The Meeting ended at 7.39 pm

Chairman