

Regulation Committee
Thursday 3 November 2022
2.00 pm Luttrell Room - County Hall,
Taunton



SUPPLEMENT TO THE AGENDA

To: The Members of the Regulation Committee

We are now able to enclose the **Case Officer presentations given at the meeting, covering Agenda items 5, 6, 7 and 8 (pages 3 – 42)**

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Democratic Services, County Hall, Taunton, TA1 4DY

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Regulation Committee

3rd October 2022

Item 5 – 858N 859- Applications to upgrade parts of footpaths WN 23/40, WN 23/38 and WN 23/12 to bridleways and add sections of bridleway, in the parish of Queen Camel

Item 6- 858S- Application to add a bridleway, from WN 23/38 to High Street, Sparkford

Item 7- 851- Application to upgrade footpath WN 27/4 and part of footpath WN 23/11 to bridleways from the A303, Queen Camel to Sparkford Hill, Sparkford

Item 8- SCC/3940/2022- Section 73 planning application which seeks a variation of planning condition 2 that limits lorry movements from Blackford Quarry





WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53

SCHEDULE 14 APPLICATION

APPLICATIONS TO UPGRADE PARTS OF FOOTPATHS WN 23/40, WN 23/38, WN 23/12, WN 23/11, AND WN 27/4 TO BRIDLEWAYS AND ADD SECTIONS OF BRIDLEWAY WITHIN THE PARISHES OF QUEEN CAMEL AND SPARKFORD

Applications: 851M, 858M, 859M

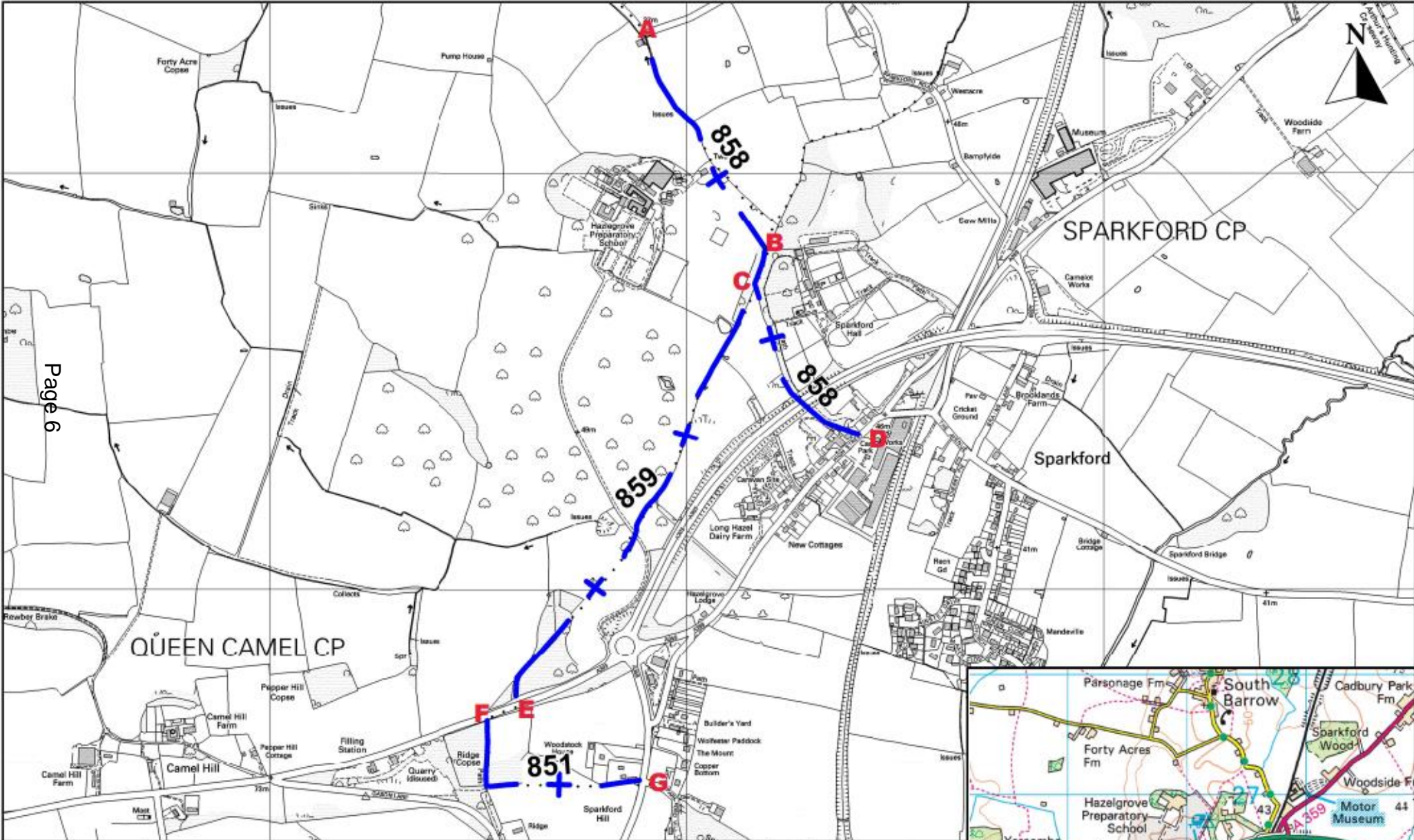
Author: Sue Coman

Dates: Reports: March 2022, July 2022, October 2022
Presentation: November 2022



Item 5/6/7- Details of the Applications

- Three applications were made by the South Somerset Bridleways Association; one in 2017 and two in 2018
- The applicant claims public bridleways are missing from the Somerset Definitive Map in the vicinity of the A303 within the parishes of Queen Camel and Sparkford
- A public bridleway can be used by the public on foot, with bicycles, or riding or leading a horse



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Parish: Queen Camel, Sparkford & South Barrow
 District: South Somerset
 Date: 07/06/2021
 Drawing No: H39-2021
 Drawn By: MHardwill
 Centre Grid Ref: 359830, 125970
 Scale: 1:12,000

Modification Route - + -

The County Council can accept no responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map to a different scale.
 - For reference purposes only.
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Item 5/6/7- Potential outcomes 1

- Refuse to make Orders, in which case the routes will remain footpaths or unrecorded
- Resolve that public rights exist over all or parts of the application routes in the form of one of the following;
 - Footpath
 - Bridleway
 - Restricted Byway
 - Byway open to all traffic (commonly referred to as a: BOAT)
- Where the rights exceed those currently recorded, to make an Order



Item 5/6/7- Potential outcomes 2

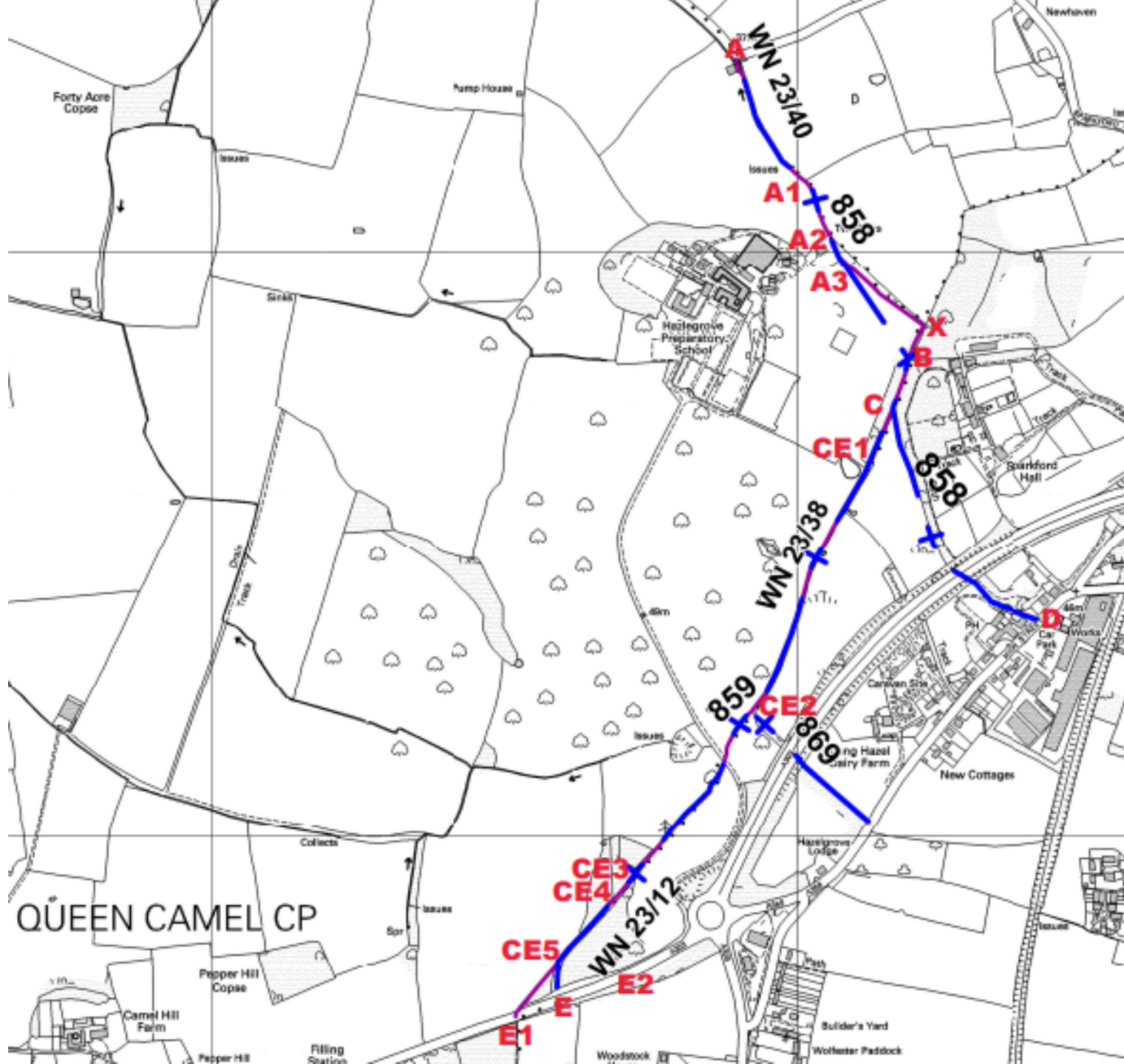
- At the end of each investigation report a recommendation is made as to whether or not Orders should be made to amend the Definitive Map.
- Committee members must make their own assessment of the evidence, rather than accept the report's recommendation without question.
- If the Committee reach an alternative conclusion, the grounds for that conclusion must be clearly stated and consistent with the relevant legislation.



Item 5/6/7- Tests to be applied

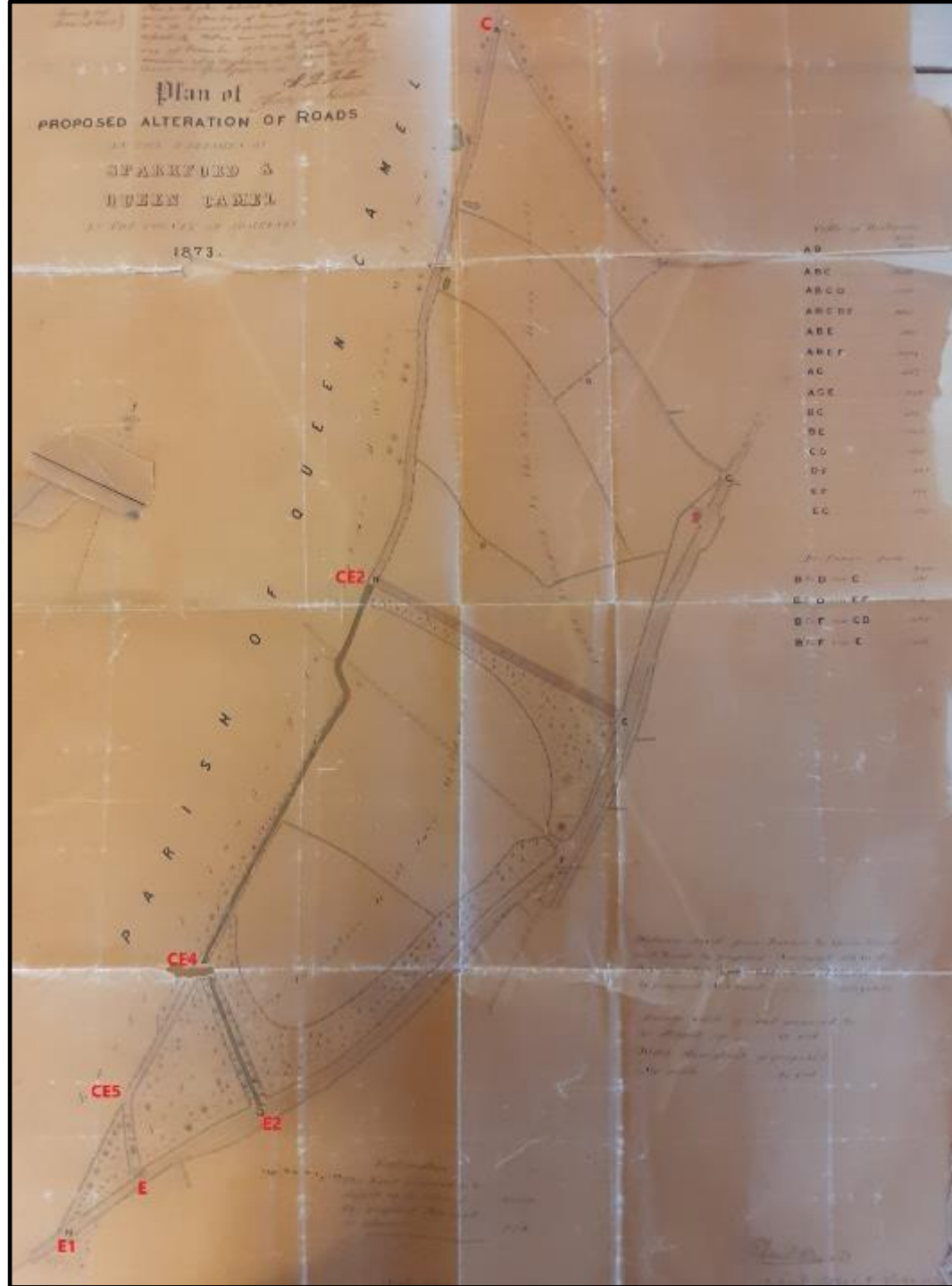
Before an order can be made to modify the Definitive Map, there must first have been a discovery of new evidence (i.e. evidence that was not considered when the Definitive Map was last reviewed). Having discovered that evidence, the standard of proof to be applied in this case is twofold:

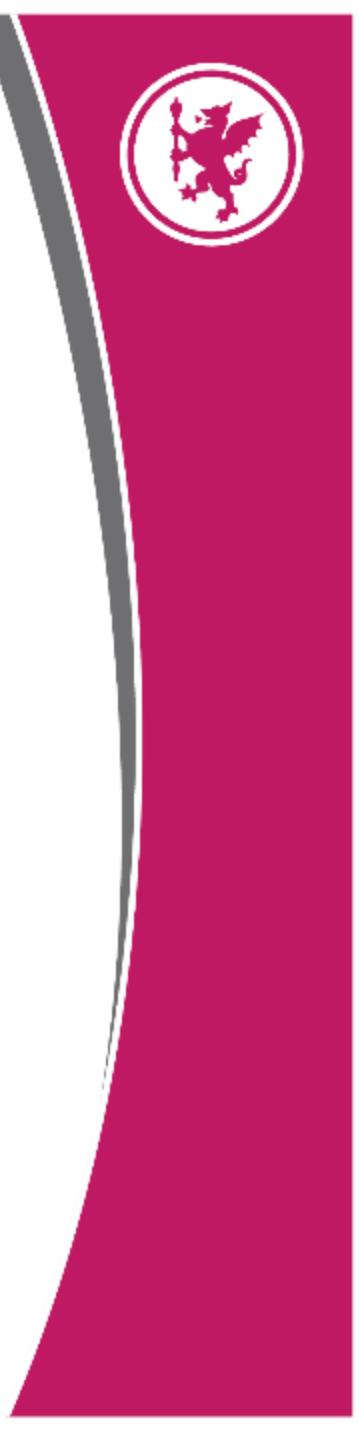
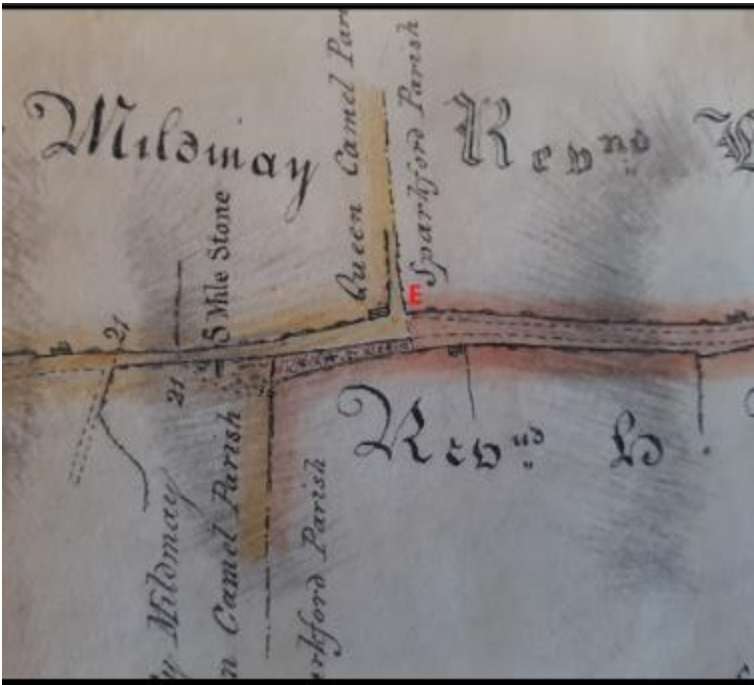
- 1. Balance of probabilities:** determining, based on all of the available relevant evidence, whether higher public rights are more likely to exist than not. Applicable to all sections where footpaths are already recorded on the Definitive Map (WN 23/40, WN 23/38, WN 23/12, WN 23/11 and WN 27/4)
- 2. Reasonably alleged:** determining whether the evidence shows that a right of way is reasonably alleged to subsist. Applicable to those sections where no rights are currently recorded on the Definitive Map. This is a lower evidential threshold than the balance of probabilities test.



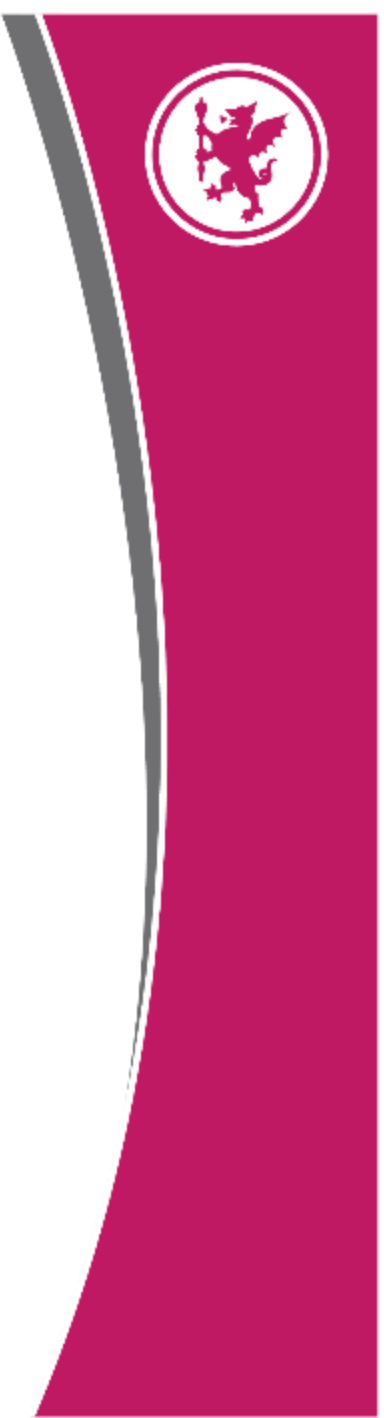
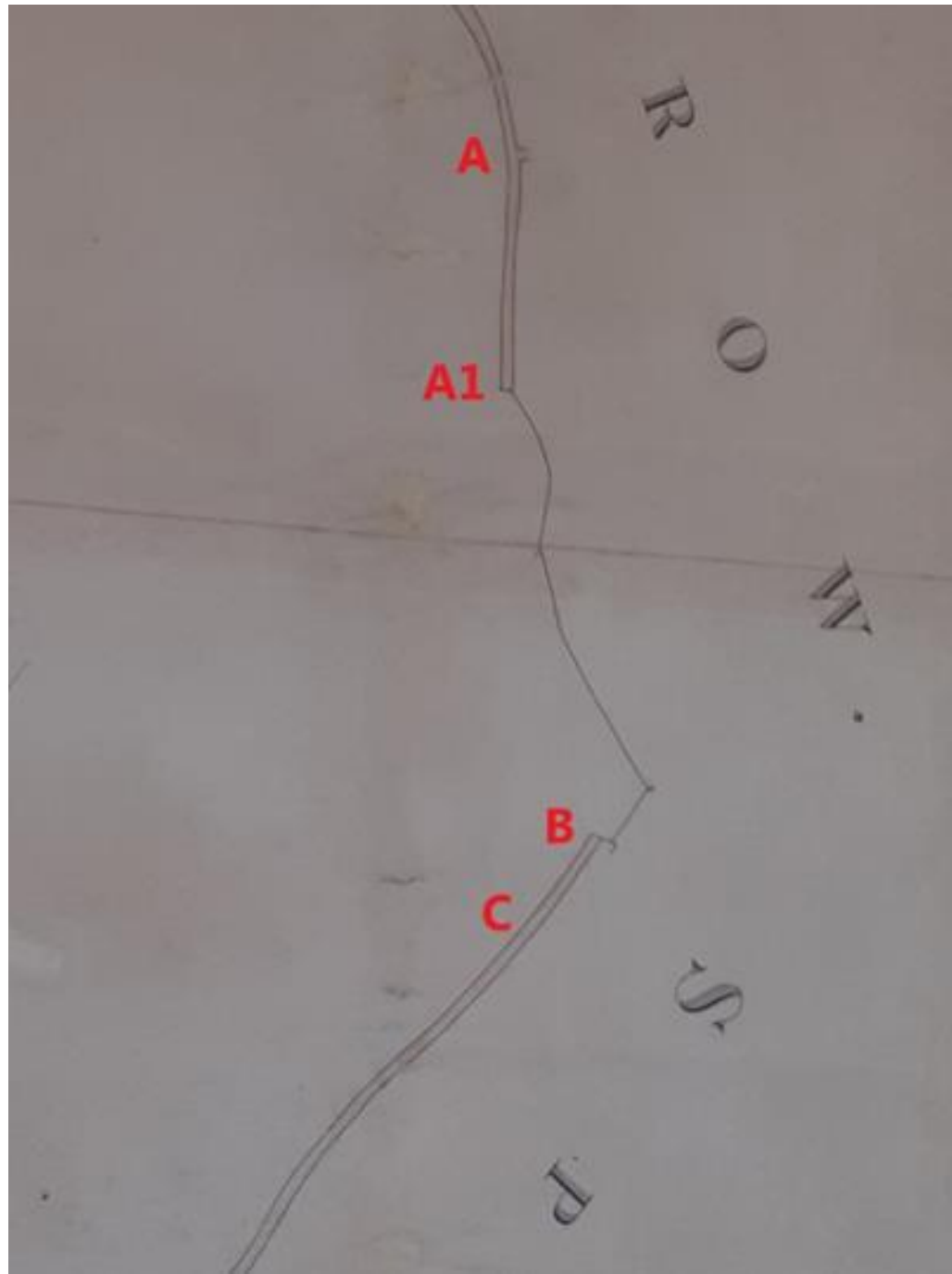
Item 5- Quarter Sessions 1873/4

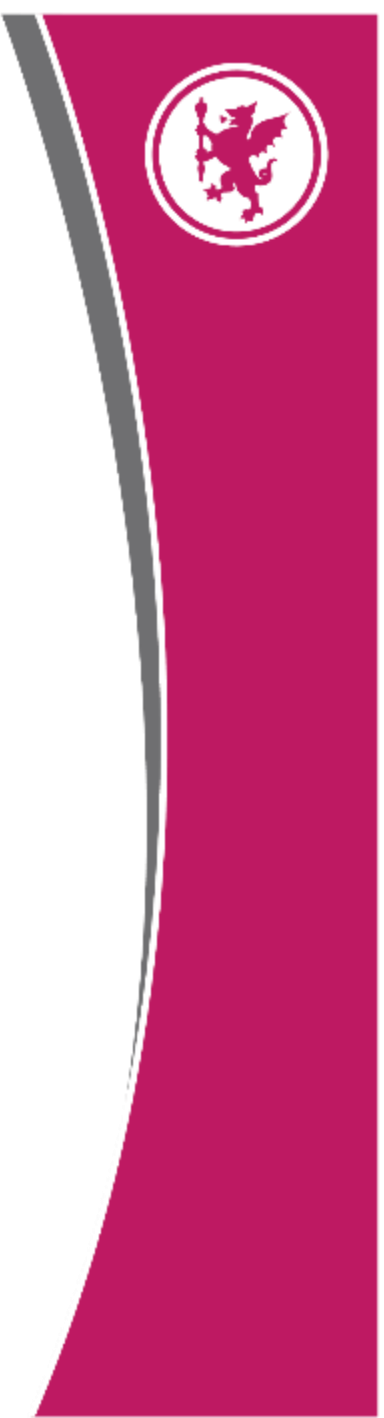
Plan of proposed alteration of roads, the highway proposed to be stopped up is coloured green on the plan (CE2-E2)





Item 5- Queen Camel Tithe Map (1842)





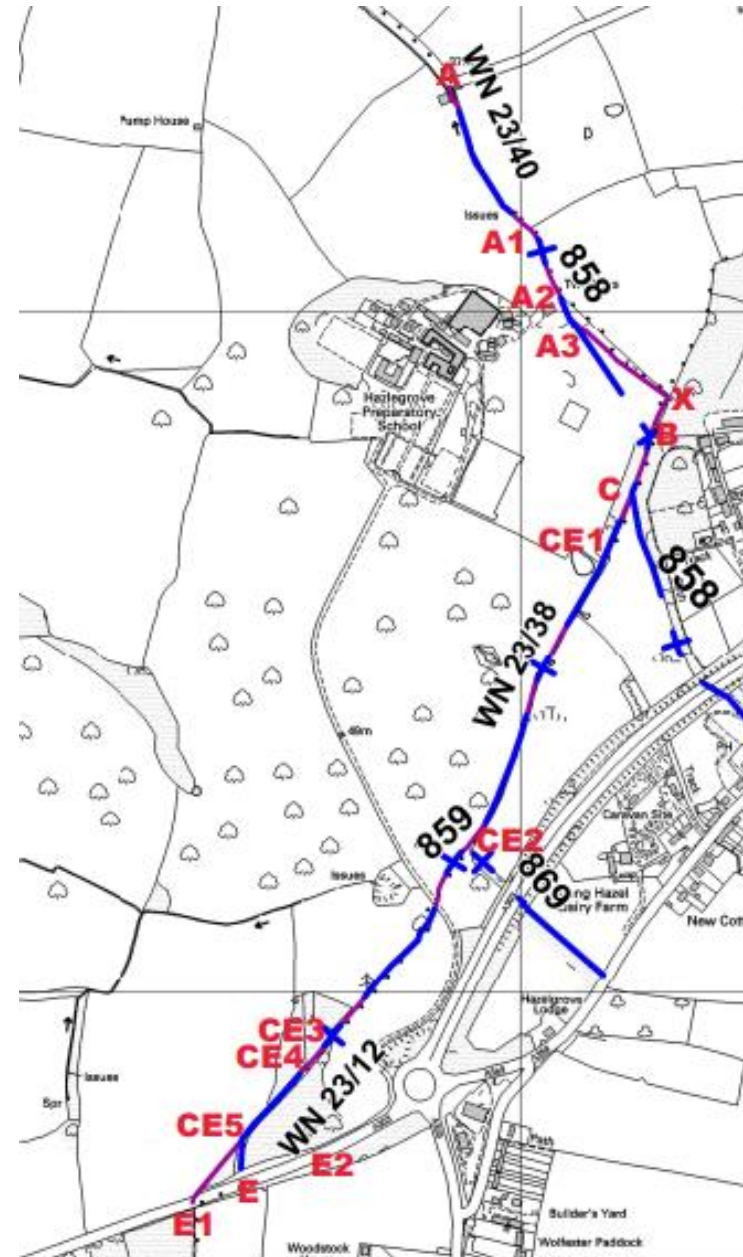


Item 5- Main issues raised

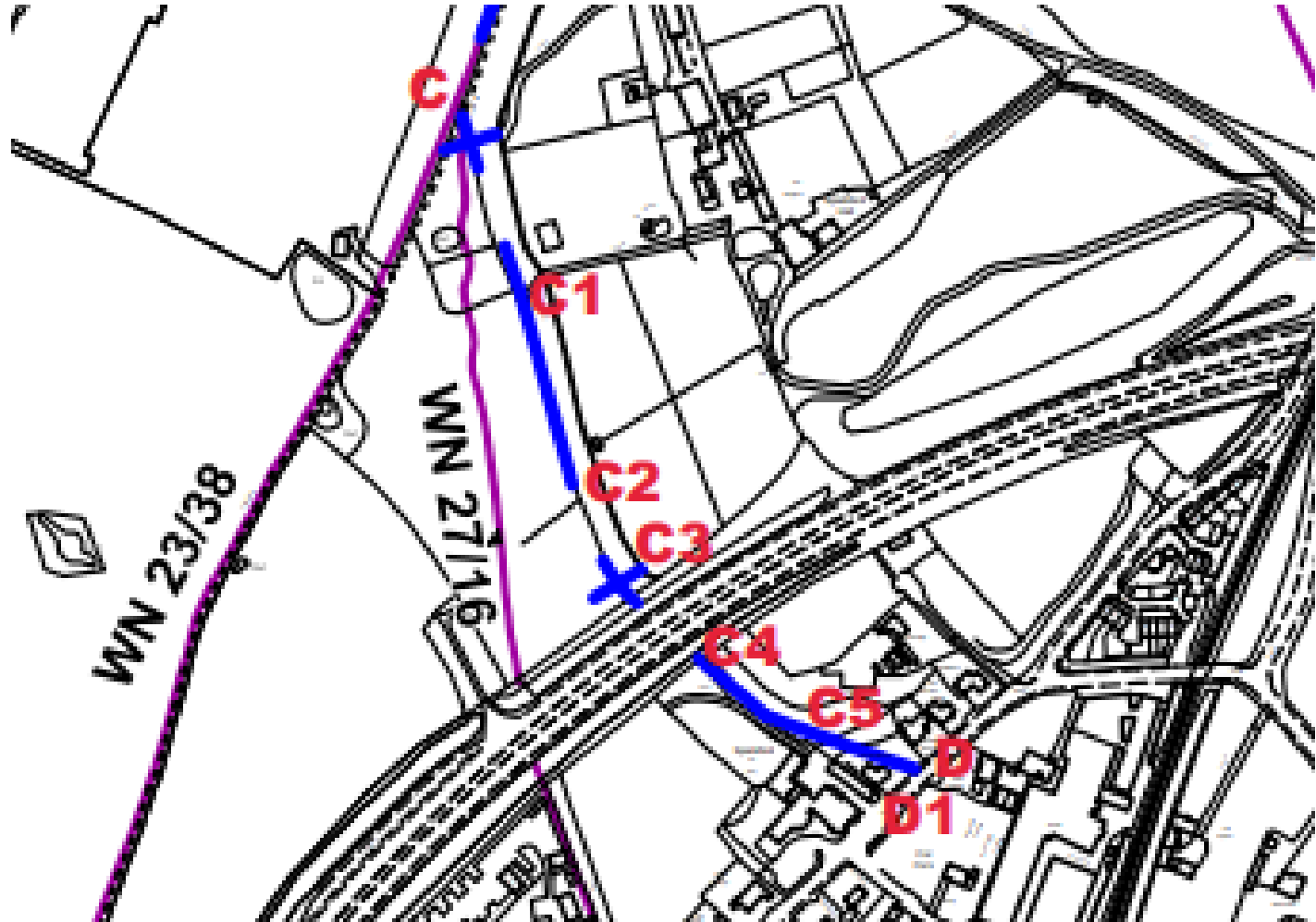
- Alignment of section A2 – B of the application route
- Increased negative impacts on landowner if upgraded from footpath to bridleway
- Claim that the routes were private rather than public rights of way

Item 5- Summary

An order should be made to modify the Definitive Map and Statement where the surveying authority discover evidence which, when considered alongside all other available evidence, indicates “that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist”, and “that a highway shown on the map and statement as a highway of a particular description ought to be shown as a highway of a different description”.



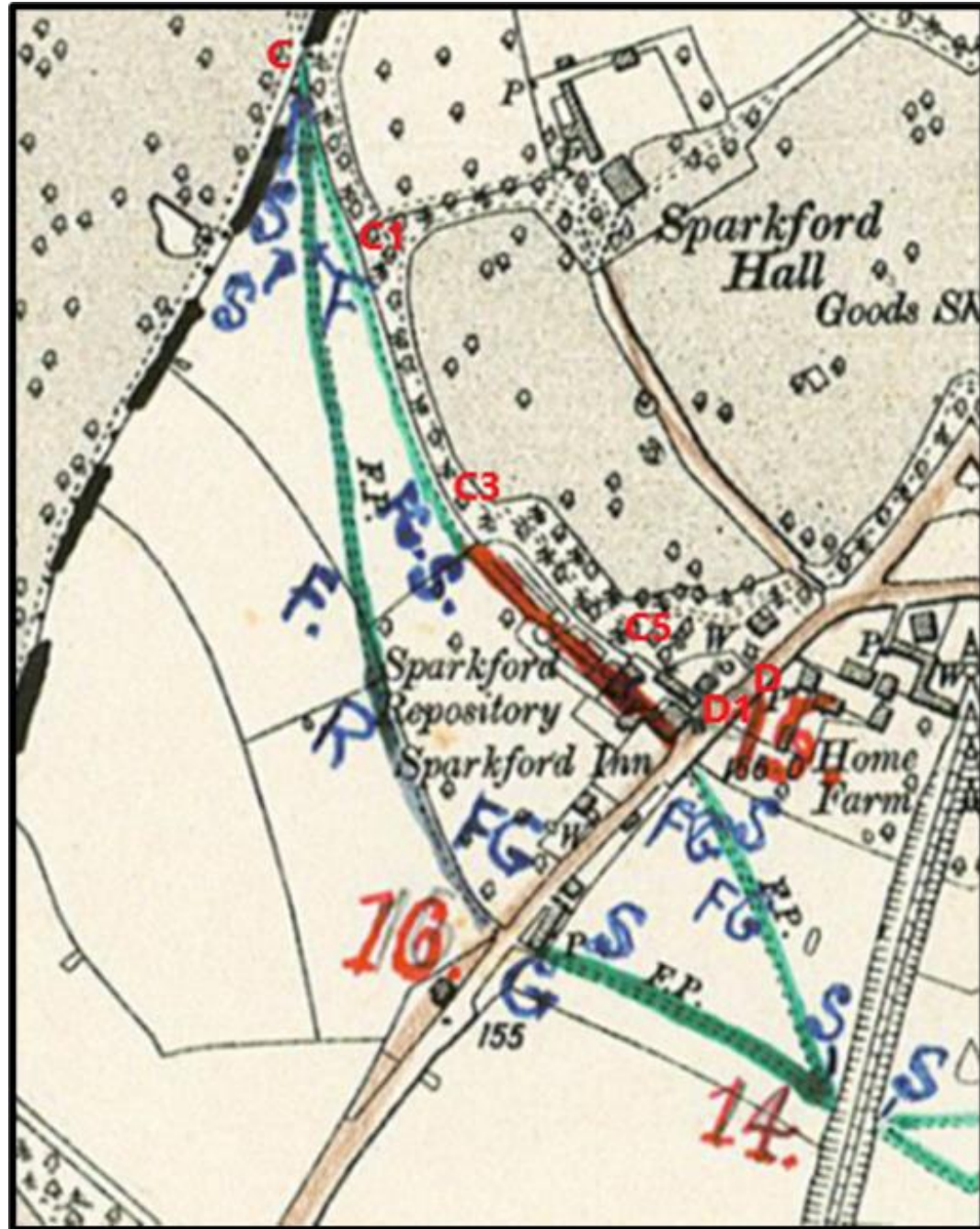
Item 6- Application 858M South (C-D)





Item 6- DMS preparation records

Sparkford Parish
survey map





Item 6- DMS preparation records 2

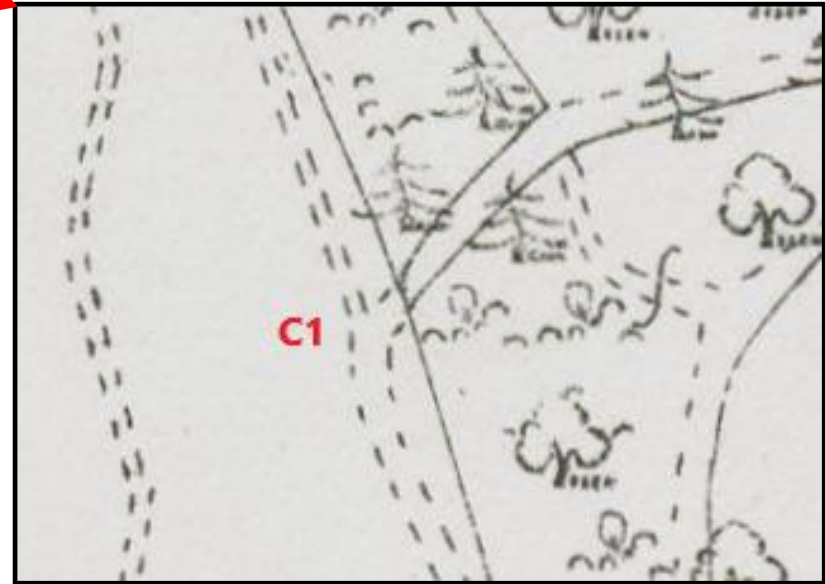
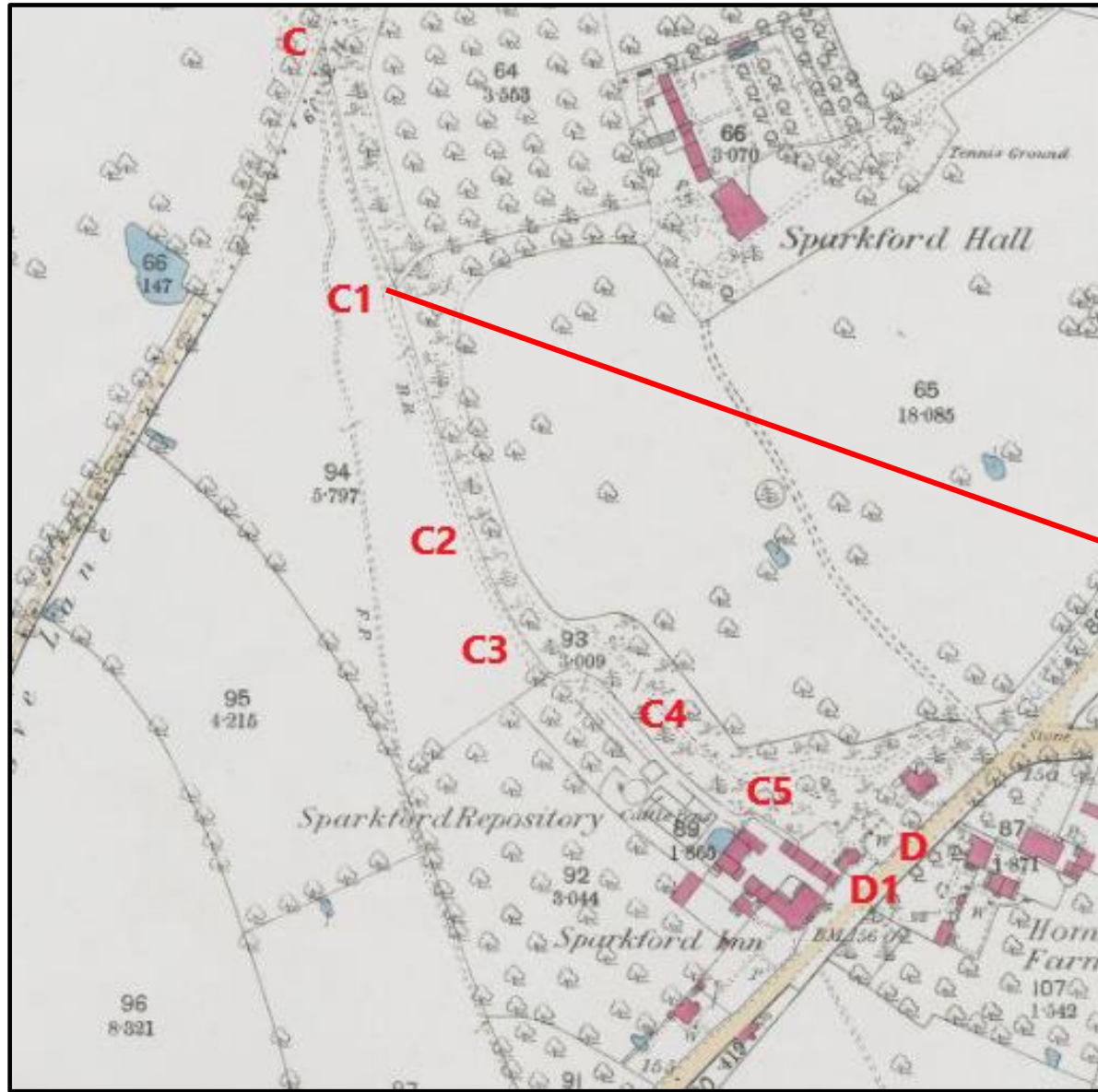
- Documents reviewed at the time:
 - 1873/4 Quarter Sessions
 - Tithe Map
 - OS County Series map

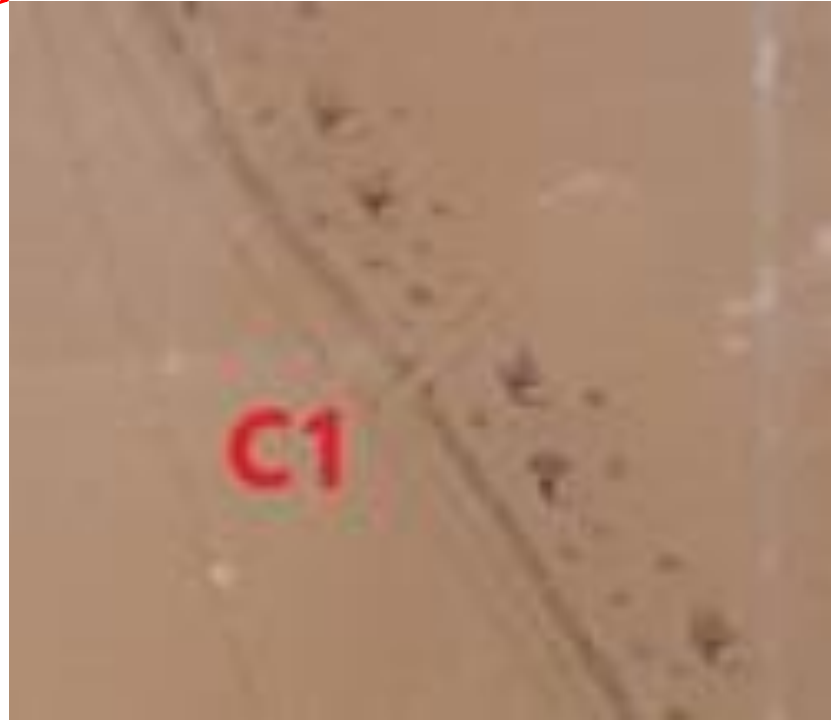


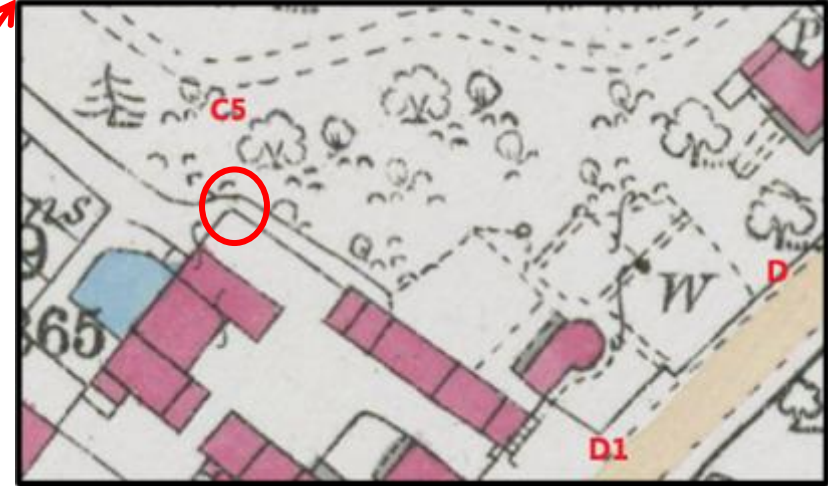
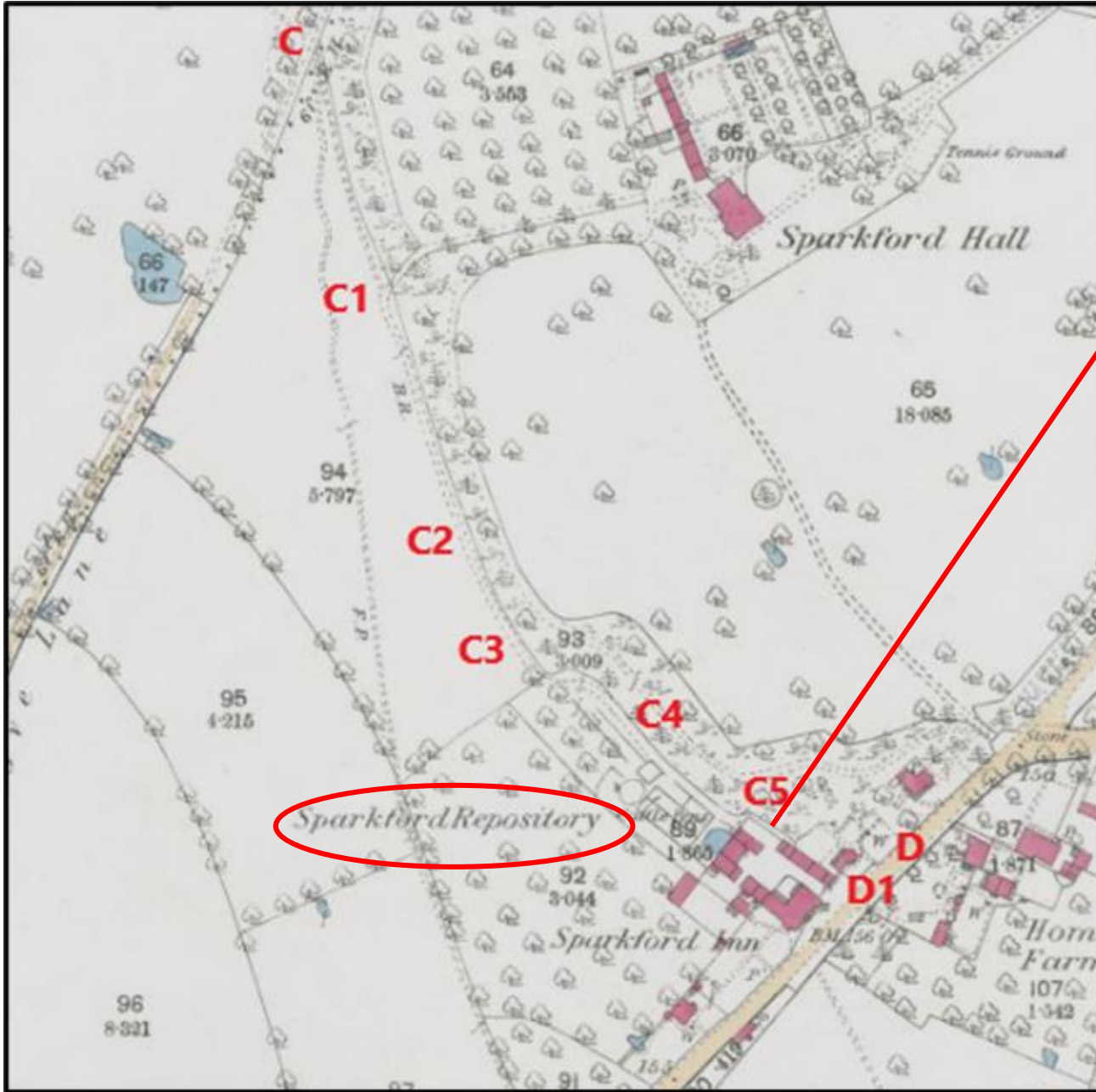
Item 6- DMS preparation records 3

- Documents that may not have been reviewed at the time but not supportive of public rights:
 - Land registry documents
 - Early photographs of Sparkford
 - OS Object Name Book
 - Finance Act record plan









Item 6- Main issues raised

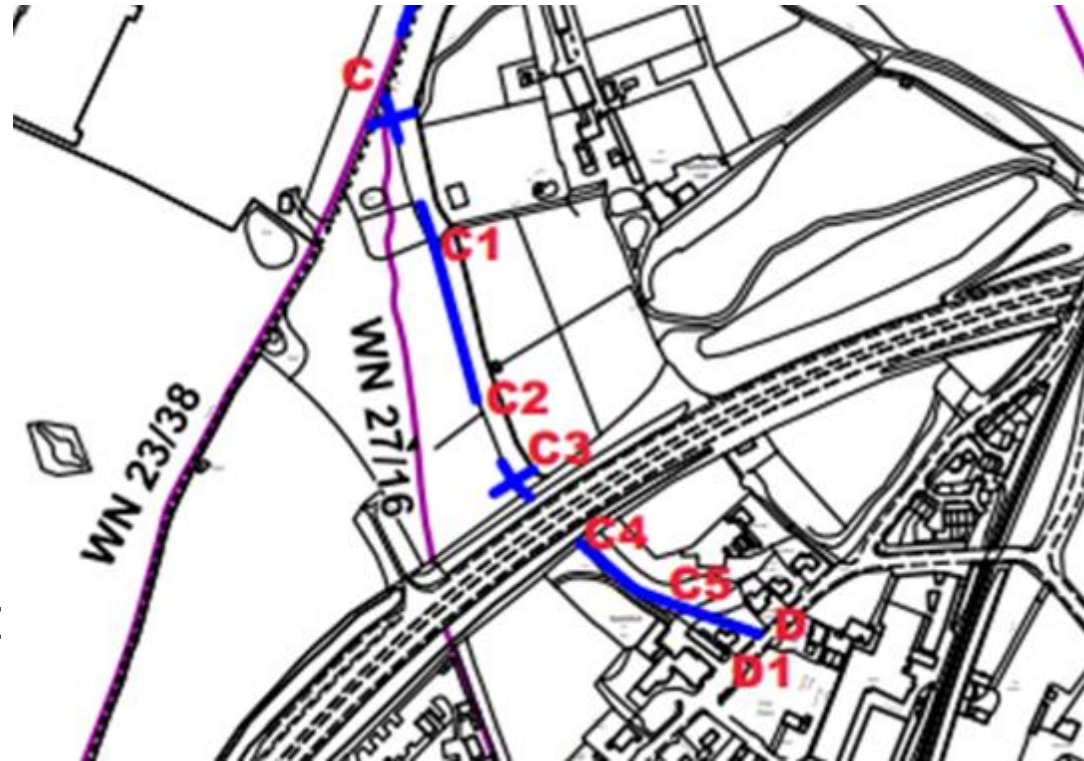
- No mention of public rights of way in title deeds of landowners
- No evidence in Parish Council records of a right of way
- A “no right of way” sign in the vicinity of the Sparkford Inn
- A wall preventing access to Sparkford High Street evident in early photographs
- Existence of the “well attended” Sparkford repository
- Tree preservation orders





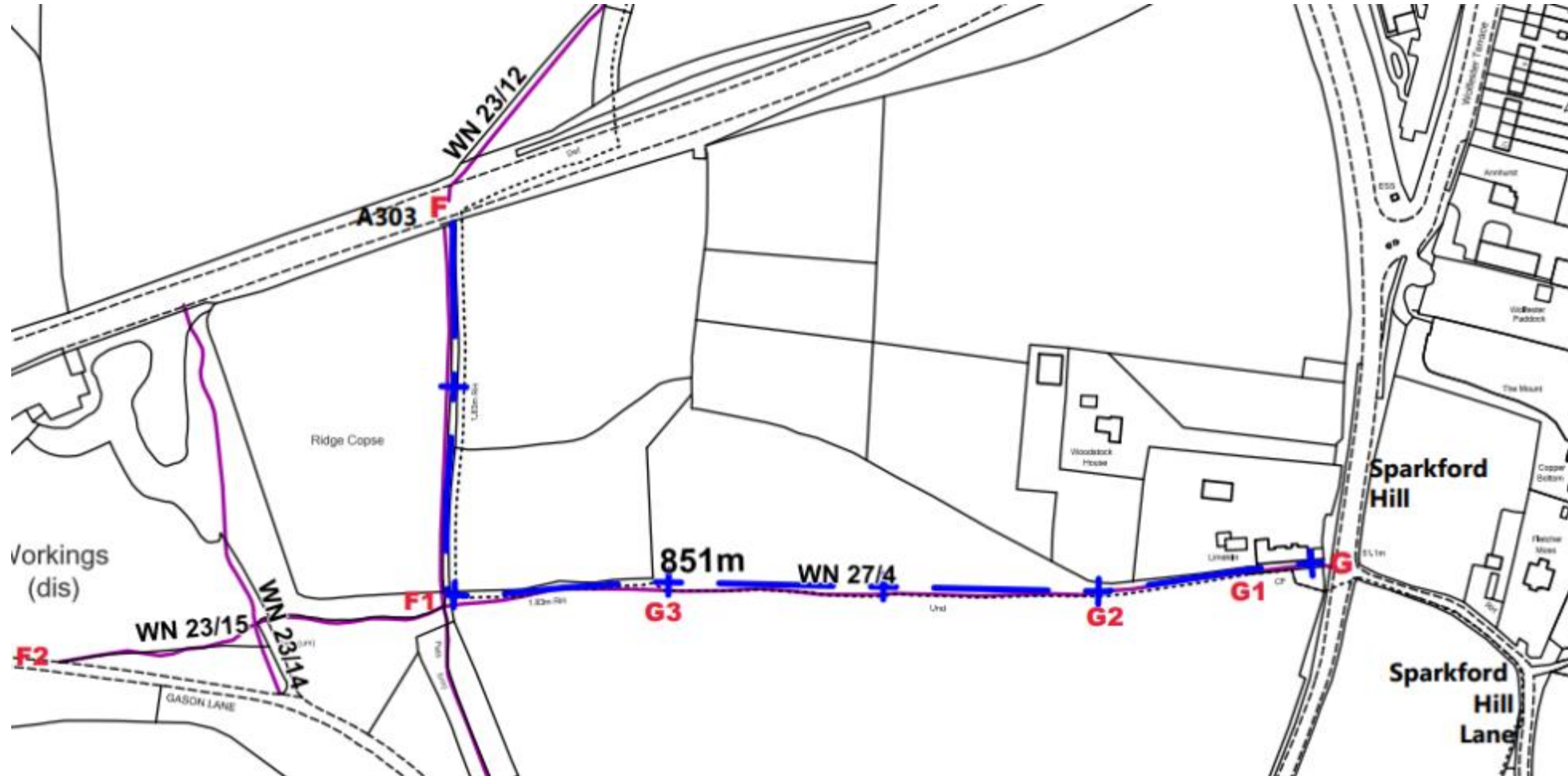
Item 6- Summary

An order should be made to modify the Definitive Map and Statement only where the surveying authority discover evidence which, when considered alongside all other available evidence, indicates "that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist





Item 7- Application 851M (F-G)







Item 7- Land registry title registers

“Subject [...] as to that part of the property hereby conveyed [...] to a public right of way and bridle path running from the main road”



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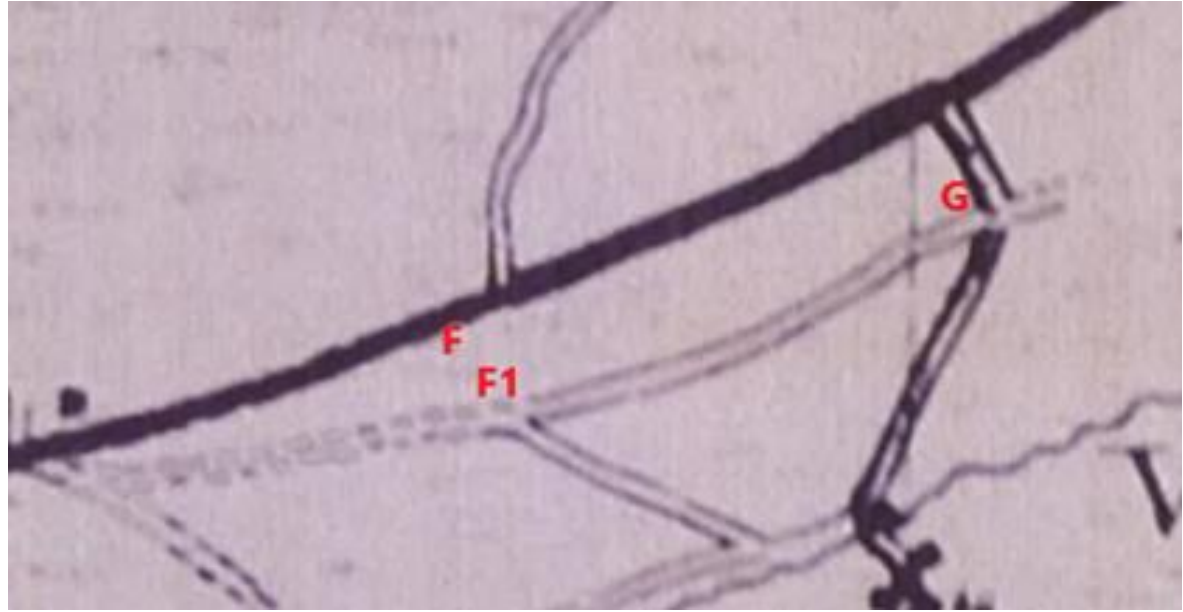
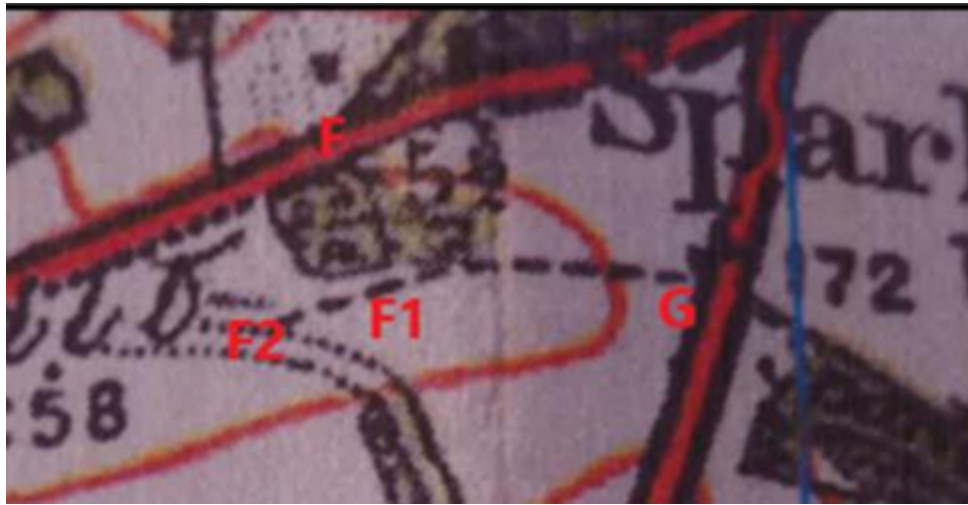
Item 7- 1910 Finance Act



Law is poor & lies on.
The bill with a thin soil.

Charges, Easements, and Restrictions affecting market value of Fee Simple

Right of Way	$\frac{1}{4} \times 25 \times P$	=	2.10.0
Right of Way	$\frac{1}{4} \times 25 \times P$	=	4.10.0
Right of Way	$\frac{1}{4} \times 25 \times P$	=	92.0.0
Right of Way	$\frac{1}{4} \times 25 \times P$	=	109.0.0





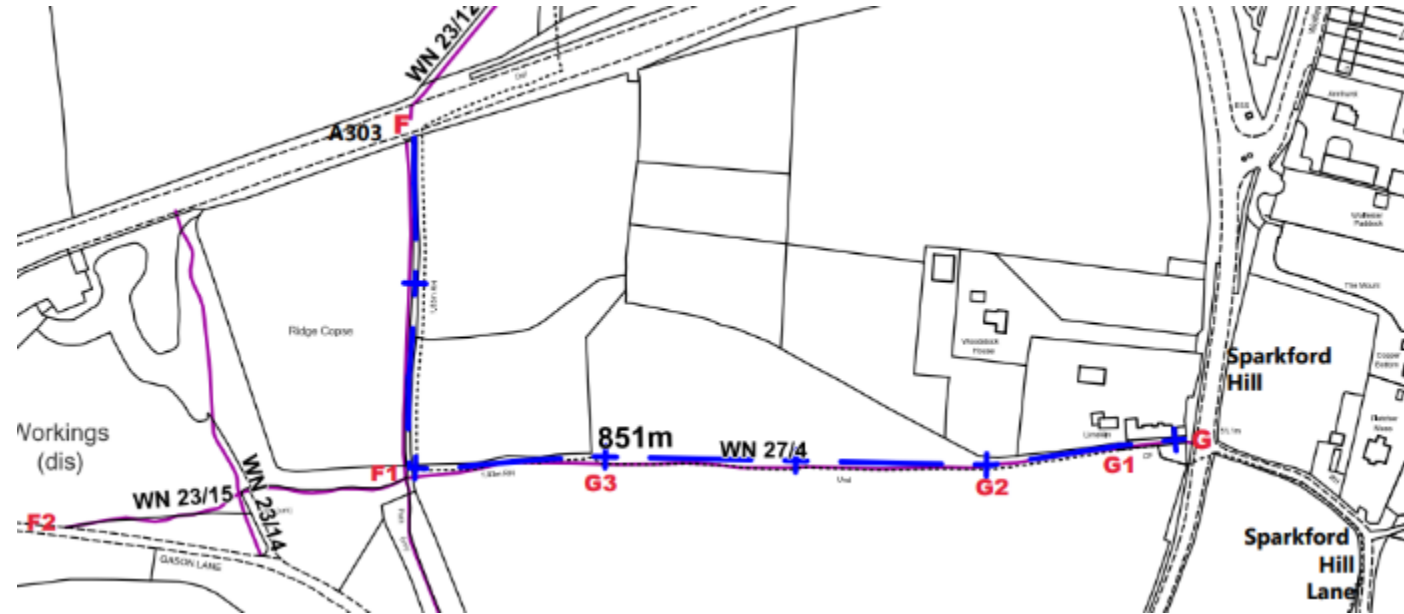
Item 7- Main issues raised

- 1795 map of Queen Camel does not indicate that the footpaths are bridleways
- Claim the purpose of the bridle route was to link the lime kiln at G to the quarries west of G and therefore only private rights exist
- No evidence of bridle route turning to head north at point F1



Item 7- Summary

An order should be made to modify the Definitive Map and Statement where the surveying authority discover evidence which, when considered alongside all other available evidence, indicates “that a highway shown on the map and statement as a highway of a particular description ought to be shown as a highway of a different description”.



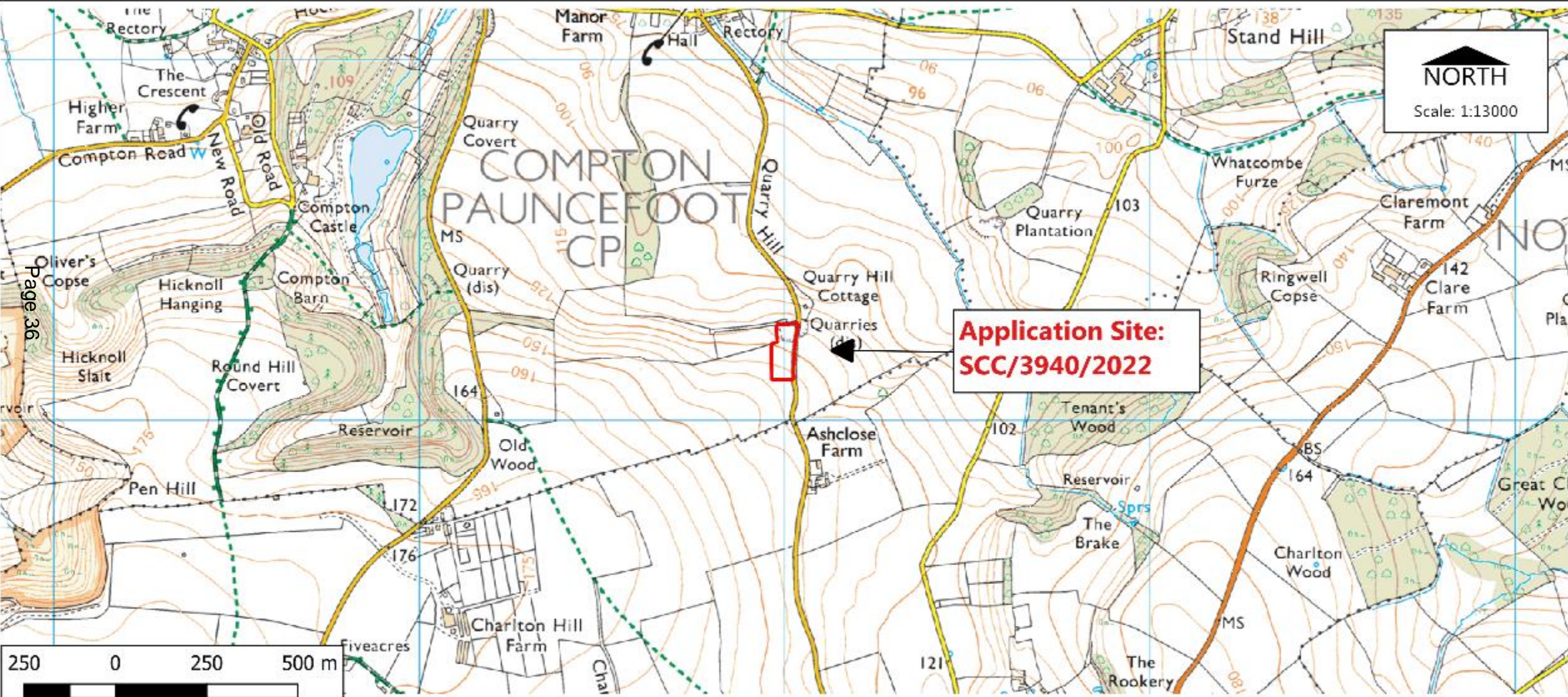


Item 8: Blackford Quarry, Blackford Hill, Yeovil BA22 7EA

Application number: SCC/3940/2022

Application Proposal:

Section 73 planning application which seeks a variation of planning condition 2 that limits lorry movements from Blackford Quarry




 Paul Hickson,
 Strategic Commissioning Manager
 Community & Environmental Services
 Somerset County Council
 County Hall, Taunton, TA1 4DY

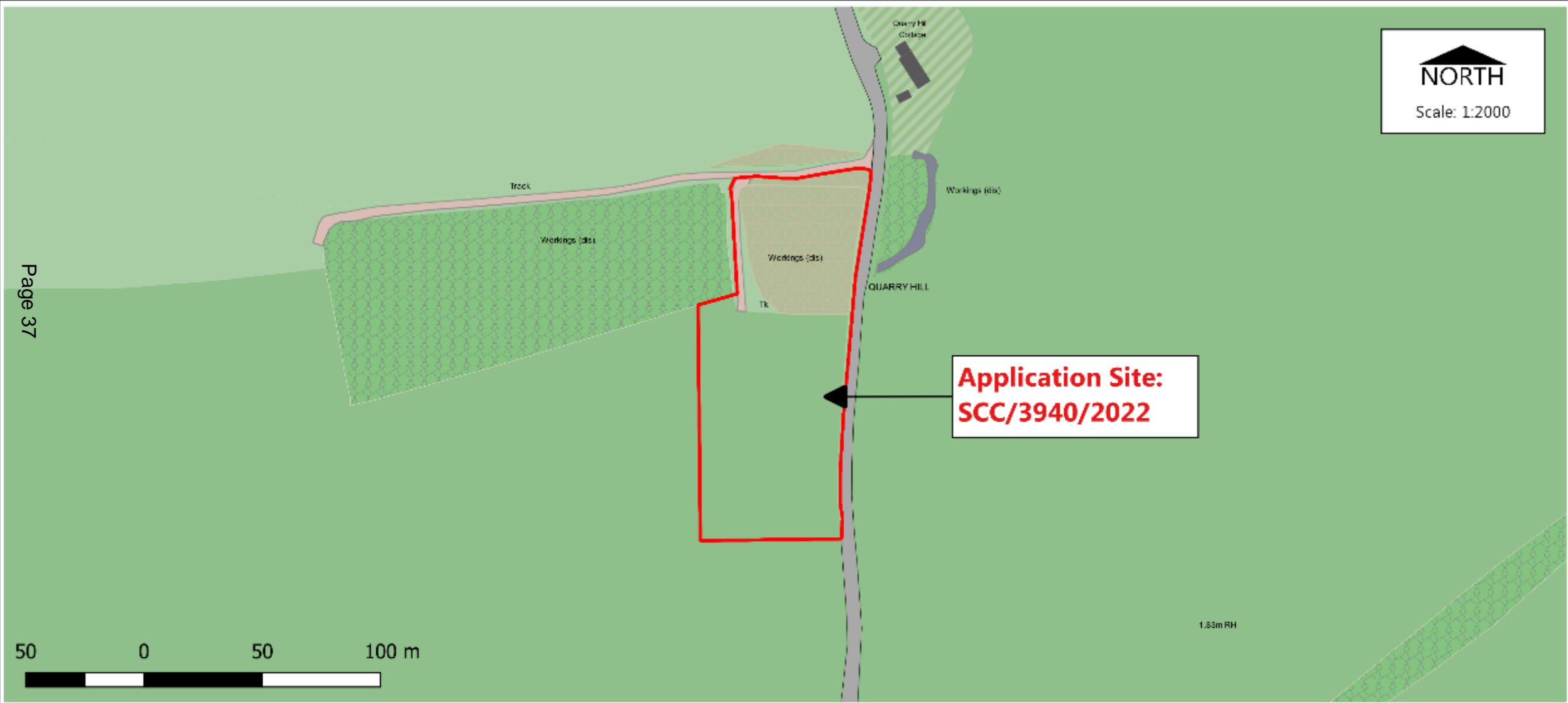
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Planning Control
 Drawn by: K Squire

LOCATION PLAN

Dated: 13/10/2022

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**Application Site:
SCC/3940/2022**



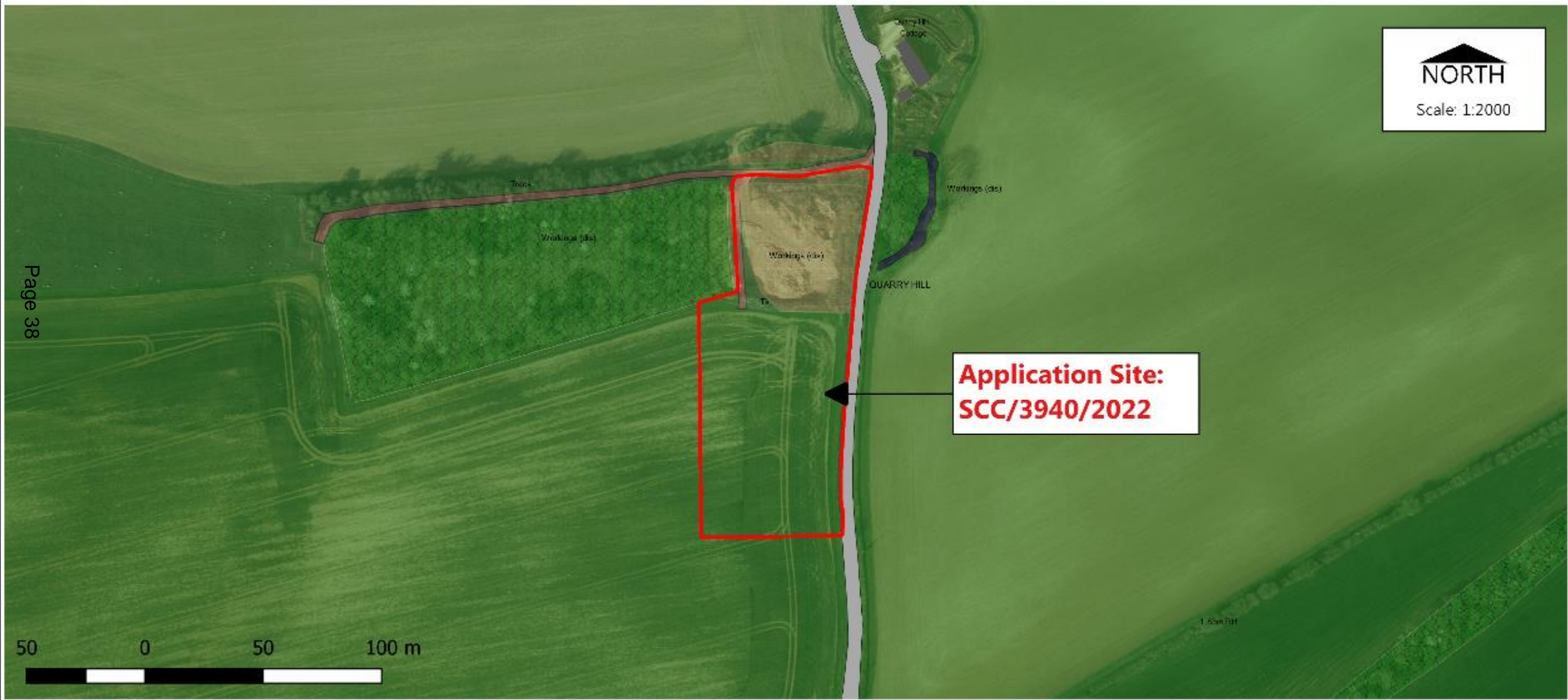
Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
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SITE PLAN

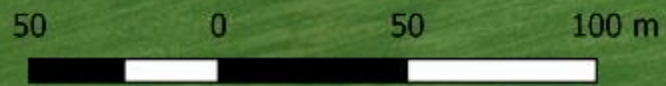
Dated: 13/10/2022



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**Application Site:
SCC/3940/2022**




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 Strategic Commissioning Manager
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 County Hall, Taunton, TA1 4DY

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AERIAL PLAN

Dated: 13/10/2022

Item 8: Approved and proposed vehicles

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Item 8: The Proposal

It is proposed to change the restrictions on HGVs transporting stone to include the following options:

- a) 4 HGV loads (8 HGV movements) per week using a 3-axle tractor unit with a demountable tipper body (the vehicle currently approved); or
- b) 2 HGV loads (4 HGV movements) per week using a 3-axle tractor unit with a short tipper trailer (the number of vehicle trips currently approved); or
- c) 2 HGV loads (4 HGV movements) per week using a 3-axle tractor unit with a demountable tipper body and 1 HGV load (2 HGV movements) per week using a 3-axle tractor unit with a short tipper trailer.



Item 8: Key Issues

- Planning Policy
- Impact on highways and traffic
- Impact on living conditions of neighbours
- Environmental Impact
- Matters raised in response to publicity



Item 8: Officers Recommendation

The recommendation is that permission be **granted** subject to the conditions set out in section 9 of this report.