

Regulatory Committee

Tuesday 5 November 2024

Minutes

Attendance

Committee Members

Councillor Robert Tromans (Chair)
Councillor John Cooke (Vice-Chair)
Councillor Jeff Clarke
Councillor Judy Falp
Councillor Andy Jenns
Councillor Dale Keeling
Councillor Justin Kerridge
Councillor Chris Mills
Councillor Caroline Phillips
Councillor Tim Sinclair
Councillor Adrian Warwick

Officers

Andy Carswell, Democratic Services Officer
Caroline Gutteridge, Legal Manager - Commercial & Regulatory
Nichola Vine, Head of Legal and Governance

1. General

(1) Apologies

No apologies were received.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

Councillor Chris Mills said he had received an email from an objector in relation to item 3 and asked if he needed to declare this. The Chair confirmed all members of the Committee had received the email.

(3) Minutes of the Previous Meeting

The minutes of the meeting held on 3 September 2024 were unanimously agreed as an accurate record.

2. Delegated Decisions

Members noted the delegated decisions that had been made since the last meeting. The Chair asked if a brief description could be given relating to the final application as it seemed a significant

one. Caroline Gutteridge (Legal Manager, Commercial and Regulatory) said it consisted of a single storey extension that would comprise four classrooms along with other facilities and a playground, which would help meet the special educational needs of the primary school. There would be space for up to 20 additional pupils and a room for therapy. Timescales for completion were unknown.

3. M463- Application To Divert Bridleway in Wishaw

Councillor Adrian Warwick asked if any guidance could be given in relation to the contents of the email received by members and how this might impact on their decision making. The Chair reminded members this was not a planning application and the recommendation was to forward the proposals on to the relevant Secretary of State to approve. He said the only grounds for the Committee to refuse would be if it was determined the proposed footpath amounted to being substantially less convenient for users. The Chair said he was aware there were separate matters relating to the application, but members should not take these into consideration when making a ruling. Caroline Gutteridge advised the objector that emailed members was not a Warwickshire resident, although this did not preclude them from making representations to the Committee.

Members were reminded the application had been considered at the previous meeting, and it had been agreed to defer to allow for a site visit to take place. Several members of the Committee had attended the site visit.

Councillor Tim Sinclair said he had attended the site visit, and it had been extremely useful. He said members had walked the proposed route, including along Grove Lane itself, before arriving at the point where the path joined the existing route. Members then walked back along the existing route. Councillor Sinclair said the landowner, who accompanied members on the walk, said the existing route was impassable and members had had to go around some hedges. Councillor Sinclair said he had timed how long it had taken to walk both sections, and the length of time to walk the new route had been the same as that to walk the existing one. He said the new route was flatter and, in his opinion, the views were more pleasant and it was quieter as it was further from the motorway. He accepted it was less safe because there was a need to walk along Grove Lane. However he said there were verges to walk along for part of the route and it did not turn out onto a blind bend, as had been suggested by objectors. Councillor Sinclair stated his belief the proposed route was not substantially less convenient for walkers than the existing one.

Councillor Judy Falp said her instinct at the previous meeting was the proposed route was safe and not substantially less convenient.

Councillor Andy Jenns said he no longer had any concerns about the new route, having walked it on the site visit. He stated his belief the existing route did not appear to have been used much. Councillor Jenns noted new signposts had been erected along the new route and asked for clarification on the legalities of this. Caroline Gutteridge said both routes went over land owned by the same landowner, and they were allowed to put up signage and grant permissive rights. It would not indicate any pre-emption of any decision being made by the Secretary of State.

The Chair proposed the officer recommendation as set out in the report. This was seconded by Councillor John Cooke and unanimously approved by members.

Resolved unanimously

That the Regulatory Committee authorises the diversion of Public Bridleway M463 under section 119 of the Highways Act 1980 in accordance with the Order and Plan dated 4 June 2024, and authorises the Executive Director for Communities to submit the Order to the Secretary of State for Confirmation.