

# COMMONS AND RIGHTS OF WAY COMMITTEE

16 May 2022

## MEMBER QUESTIONS ON MATTERS WHICH ARE WITHIN THE POWERS AND DUTIES OF THE COMMITTEE

<p><b>Questioner's Name: Cllr Dr David Willingham</b></p>	<p><b>Respondent's Name: Liz Kirkham – Highways Operations Manager</b></p>
<p>1. Could officers please be asked to provide a <i>brief</i> overview of the Commons and Rights of Way decisions that have been made under delegated authority during the municipal year 1st April 2021 to 31st March 2022?</p>	<p><b><u>Modification Order Applications:</u></b>            4 DMMO applications were determined under Delegated Authority over this period.</p> <p>1) 23/4/21 – Woodside Field, Kings Stanley. Path dedicated under S25 HA 80 Creation Agreement, so DMMO was determined under Delegated Authority to be 'refused' as the path had been added to the Def.Map by other means.</p> <p>2) 30/6/21 – Frith Wood, Chalford. Landowners agreed to dedicate 6 paths under S25 HA80 Creation Agreement. DMMO was determined under Delegated Authority to be 'refused' as some paths had been added to the Def.Map by other means, and insufficient evidence for the others.</p> <p>3) 22/10/21 – High St, Cheltenham - alignment of Public Footpath ZCH24 investigated. Delegated Authority determined that route should run along the adjacent alleyway. Order made to delete ZCH24 and add new footpath along the alleyway.</p> <p>4) 22/10/21 – Path adjacent to Double Gloucester Pub, Gloucester. Path added to Def.Map by S26 HA80 Creation Order, so DMMO was determined under Delegated Authority to be 'refused' as the path had been added to the Def.Map by other means.</p> <p>Additional s25 Creation Agreements made over the period:            New footpath ZST112; sealed 28 October 2021            New footpath ZST113; sealed 1 February 2022            New footpath ZST41A; sealed 11 October 2021</p> <p><b><u>Town and Village Green Applications (TVG):</u></b>            No TVG Applications were dealt with under Delegated Authority over this period.</p>

<p>2. Could officers please be asked to provide <i>brief</i> details of the number of new Commons and Rights of Way applications that have been submitted to council during the municipal year 1st April 2021 to 31st March 2022?</p>	<p><b><u>Modification Order Applications:</u></b>  There were 45 new DMMO claims logged over this period:  Cheltenham Borough - 1 application  Cotswold District - 8 applications  Forest of Dean District - 3 applications  Stroud District - 28 applications  Tewkesbury Borough - 5 applications</p> <p><b><u>Town and Village Green Applications (TVG):</u></b>  There were 2 new TVG applications logged over this period:  Cotswold District - 1 application (Baunton)  Stroud District - 1 application (Purton nr Berkeley)</p>
<p>3. Could officers please be asked to advise as at 31st March 2022 how many outstanding Commons and Rights of Way applications there are, and how many of those are expected to need a committee decision, rather than being able to be determined under delegated powers?</p>	<p><b><u>Modification Order Applications:</u></b>  There were 168 'undetermined' DMMO applications as at 31 March 2022.</p> <p>The decision as to whether an application is determined by Delegated Authority or CROWC is only made when work commences on the application; so we cannot currently state what proportion of these may be determined by Delegated Authority or CROWC.</p> <p><b><u>Town and Village Green Applications (TVG):</u></b>  There were 3 outstanding TVG applications as at 31 March 2022.</p> <p>1 application is expected to be determined shortly under Delegated Authority, in consultation with the Chair of CROWC and political group leads for the committee. The other 2 applications will be determined once the applications have gone through due process. It is unclear at this time as to whether these will be determined by Delegated Authority or by CROWC.</p>