

**COMMONS AND RIGHTS OF WAY COMMITTEE**  
**28 March 2023**

**PUBLIC QUESTIONS ON MATTERS WHICH ARE WITHIN THE POWERS AND DUTIES OF THE COMMITTEE**

<b>A. Questioner's Name: Dr Nicholas J Gilbert</b>	<b>Respondent's Name: Philip Cameron, Traffic Manager</b>
<p>Dear committee members,</p> <p>RE: Rights of Way application 573/11/101(1) Additional length of public footpath at Witcombe Farm.</p> <p>On 25/11/09, this committee unanimously resolved to support the above modification order. Since then no progress has been made to enact the wishes of this committee. Sadly, during those thirteen years, seven of the fifty witnesses supporting this application have died. Before retiring in 2010, Amanda Keys, Operations Officer for the Public Rights of Way, wrote a detailed summary of the case for and against the modification, which is attached. Can the Committee please tell me if there is anything it can do to see that its decision in this case is respected and acted upon?</p> <p>Thank you.</p> <p>Dr Nicholas J Gilbert - Applicant and resident of Great Witcombe</p>	<p>I can confirm that an Order to add a path was made on 18 March 2009 and published on 26 March 2009. This Order received objections which required the matter to be submitted to the Secretary of State, and the CROW Committee decision on 25 November 2009 was to support the application.</p> <p>There are no deadlines set out in the legislation as to timescales for such submission; however, there are rights of appeal against non-determination of the initial stages of an application. Therefore, the limited available staff have been required to primarily address their efforts to the initial determination stage of applications, and the submission of contested orders has consequently been given a lower priority. And as you might appreciate, these can be detailed, complex and time-consuming issues to resolve.</p> <p>Despite this, the Council has submitted an average of one application per year over the last 5 years, and it is hoped this can continue. Although officers are currently unable to advise when this particular application will be submitted; it is currently one of seven higher priority applications, and I will ask the team to consider how this might be accelerated given the time</p>

	that this issue has been outstanding. I will also ensure that discussions regarding the resourcing of this work area continue.
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