

Graeme Stark

From: Graeme Stark
Sent: 21 December 2018 17:49
To: 'Tara.Davies@pins.gsi.gov.uk'
Cc: 'Helen.Sparks@pins.gsi.gov.uk'
Subject: Planning Inspectorate ROW/3186868
Attachments: 02 OMA16.pdf

Dear Tara

I am writing in respect of the proposed modifications to the Beeks Mill DMMO which are currently being advertised.

The Order Decision has proposed to modify the Order to record gates (plural) as lawful limitations at both points A and B on the Order Map; this would replace the single gate at point A. However, the Order, as made, records a width of 3.1m throughout and the Order Decision does not propose to modify this width. If the Order was confirmed with the proposed modifications then the Definitive Statement would state that the landowner has the right to erect and maintain more than one gate within the 3.1m width of the path.

The Order Route passes between point X and Y on the attached **OMA16** and the evidence presented to the inquiry indicated that the gate at this specific location has always been a field gate rather than, for example, two pedestrian or bridle gates with a hanging or slamming post in the middle of the 3.1m width. Alternatively, the Authority respectfully suggests that the intention may have been to record the 3.1m wide field gate and the adjacent 1.33m gate which can be seen between points Y and Z on **OMA16** as limitations. However, this would require the width of the Order Route to also be modified to 4.6m at point A on the Order Plan and for the width to then taper down to 3.1m further along the Order Route. The same issue also exists in respect of the proposed limitation at Point B on the Order Map.

The Authority, in its other role as highway authority, will be required to assert and protect the public's rights along the Order Route and it is therefore important that the Definitive Statement provides sufficient clarity about what the lawful limitations are on the Order Route and, therefore by extension, what other configurations would be unlawful.

I would be grateful if you could confirm receipt of this representation.

Regards,

Graeme Stark
Senior Officer: Public Rights of Way

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OMA16



X

Y

Z

20cm

310cm

17cm

133cm

20cm

460cm