

Officer Decision Report

Title: Serving of a Notice under S143 Highways Act 1980 to require the removal of the gate and signs which have been erected on land which is subject to public rights of access Land to the north west of North Mill Lane, Bledlow

Date decision taken: 18th September 2020

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Local Members Affected

Cllr Carl Etholen, Cllr Shade Adoh, Cllr Graham Peart, Cllr Saeed Saddique

Decision

To instruct Legal Services to issue a Notice under S143 Highways Act 1980 requiring the removal of the gate which and signs which have been displayed on the route which is to the north-west of North Mill Lane Bledlow and shown as shaded yellow on the Plan below, and thereafter if the Notice is not been complied with, to take all steps necessary to ensure the public have unobstructed use of that route.



Reasons for the decision

It has been brought to the Council's attention that public use of the route to the north-west of North Mill Lane Bledlow (the Route) has been obstructed by the erection of a gate and discouraged by the use of signs indicating that there is no public right to use the Route.

The Council has investigated the situation and there is a long complex history regarding the Route, however there is significant evidence that rights exist which enable the public to use the Route and I am satisfied that the Route should not be obstructed. Investigation as to the exact nature of those rights is continuing and may be subject to a further decision at a later date.

No permission has been given for the placement of the gate or signs by the Highway Authority. Correspondence with those who have erected the gate and the signs has failed to secure the removal.

Authority to take this decision

Council scheme of delegation contained within the Councils constitution

Other options available, and their pros and cons

That we do not serve the notice and leave the gate and the signs in place. This is not considered appropriate as it would set a precedent for obstructing routes which the public have a right to use. The Highway Authority has a duty to protect and assert highway rights.

Conflicts of interest

None

Feedback from Consultation

Not applicable


Background papers

Plan showing the Route and location of the gate and signs.

Other Information

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose email address is given at the head of the paper.

Approval Signature... 

**Rob Smith,
Service Director**

Date.....18th September 2020.....