

HARTINGTON UPPER QUARTER PUBLIC MEETING

Minutes of the public meeting held on the 9th MAY 2023, regarding gates and access through the property neighbouring directly next the the Parish Hall.

Present: Andrew Kelly “vice chairman of the STAFFORDSHIRE MOORLANDS BRIDLEWAYS GROUP”

Parish Councillors: Ray Mellor(Vice Chair Man), Simon Oliver, Michael Staden.

Clerk : T. Staden

Members of the public: Matt Pilmoor, Kate Temperly, Suzanne Oliver, Andrew Walker (attending from Sterndale Moor Social Club), Tammy Snape, Lee Clark, Louise Rhead-Garlick, Sharon McSherry, Angela Brassington, Jan Robinson, Cheryl Burnell, Sandra Perkin, Tracey Perkin, Drew Cheslett, Lee Rogerson, Liz Andrews, Mandy Shirt, Andrew Bennett, Niamh Lisser, Jemma Colcloy.

Apologies for absence: Chair Man John Bennett (Ill Health).

Agenda item 1	Chair opens the meeting and introduces the Parish Councillors.
Minute 09/05/2023 /1	Vice chair man Ray Mellor opened the meeting at 19:40pm. He introduced the councillors stated above and the Clerk. He explained to the attendees what the purpose of the meeting was (a discussion regarding the erected gates at the property next door to the Brandside Parish Hall and views local users may have and how these gates impact the individuals.)
Agenda item 2	Caller of the meeting
Minute 09/05/2023 3/02	VC Ray Mellor explained to the public that the meeting had been called by Mr Andrew Bennett.
Agenda item 3	Speakers on the subject of the gates
Minute 09/05/2023 /3	The Audience were invited by VC Ray Mellor to volunteer (if they wished to speak). Several members raised their hand. These people included ; Andrew Kelly(invited by Sharon McSherry ,Cheshire East CC Public rights officer and VC of bridle path ways), Drew Cheslett, Liz Andrews (Flash Trekking centre whom has used the lane for many years) and Sharon McSherry (a Brandside resident who has also used the lane for Horse Riding for many years).
Agenda item 4	Public opinions , other information.
Minute 09/05/2023 3/04	Public Meeting attendees were given the opportunity here to discuss their opinions and any other relevant information they had. As the first speaker , AK of Cheshire East CC began by discussing his University qualifications in relation to public rights. He explained that he held a Masters Degree in Public Rights and access. Working primarily in the Cheshire East, he said he was in attendance to advise Sharon McSherry what the rights are and historical tracks.
Agenda item 4/5	Discussion
Minute 09/05/2023 /05	Simon Oliver replied to AKS’ information, with the question: “Horse riding bridle way application has been made , how does this effect having gates?”, SO was speaking in regards to a bridleway application that has been made which runs down the “grassy” lane, via a corner of the School House (boundary to Andrew Bennetts wall) and down towards the back lane.
Agenda item 4/5	

Minute 09/05/202 3/06	AK Stated that “ people have applied for the right of way and proof needs to be shown that this (track) has been used for many years . Historic maps show no gates were there”
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Agenda item 4/5	
Minute 09/05/202 3/0	Louise Rhead-Garlick replied and backed AK up on his statement that “ gates were never erected where the new current gates are”.
Agenda item4/ 5 minute 09/05/2023	Kate Temperley clarifies her boundaries of the property and the reason for the gates being erected. The couple would like a family and a dog in the future and want to ensure that the dog and child/ren will be safe in a secure, gated off area.
Minute 09/05/202 3/0	CLL Michael Staden states “ access is reserved for the Parish Council. Should the pc require access through or any persons using the hall and the facilities, then they have every right to do so”
Agenda item4/ 5 minute 09/05/2023	Drew Cheslett stated “ the track is not a bridleway”.

Agenda item 4/5 minute 09/05/2023	Liz Andrews commented she had had used the track for many years . She also stated, “ if the track is a bridleway, then the gates must be able to be opened on the back of a horse, which access can be made this way”
Minute 09/05/20 23/0	Sharon McS Stated she had found difficulty in opening the gates whilst riding through. “ The gates are very difficult to open”
Agenda item4/ 5 minute 09/05/2023	KT asks that the public to not use the track as a bridleway as it is not on the definitive map.
Minute 09/05/2023 /0	The lady whom was seated behind Sharon McS (The Clerk was unable to find out whom had made this comment amidst the discussion), replied in support of Sharon McS comment, explaining to Kate that “ we cannot ride through now, despite having done so for many years)
Agenda item 5 minute 09/05/2023	Simon O explains the map to all attendees and confirms that there is an application submitted for “foot path” 151/2
Minute 09/05/2023 /0	AK Stated that DERBYSHIRE COUNTY COUNCIL have 12 months to reply to clarify whether the application for the rights of way has been accepted. Sharon can apply to DCC and appeal to this to the Sectary Of State . He recommended further investigation and an investigation to drat maps. He also stated that the parish council can report to the Sectary of State and if required, can take the matter to public inquiry. AK continued to say “ (the track) is not on the definitive maps, the Government have confirmed that there will be a cut off point . The track in question has public rights through the double gates and there is a public footpath by the bins”
Agenda item4/ 5 minute 09/05/2023	Michael staden (cllr) asked “ why is there no current status?”, in regards to the School House track.

Agenda item4/ 5 09/05/2023	AK informed Cllr MS “ when the definitive maps were drawn up, the public road they believed , required no exercise as it a way of reaching a public road . Historical evidence in the archives will provide any evidence . The path (at the School House) is a public footpath despite not being listed on the definitive map, I advise to consolidate to historical evidence .”
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Minute 09/05/20 230	AK also clarified what vehicles etc are acceptable on bridleways, “Horses and cyclists can make use of bridleways”
Agenda item 4/5 minute 09/05/2023	SO stated “Matt and Kate have every right to erect gates over definitive map areas.”
Minute 09/05/2023 /0	AK replied to SO comment by stating that “although (the track) not on the definitive map, the local horse riders and Louise R-G believe they should still be able to use the (track) as she and the other riders have done for many years.” AK also stated after this comment that he believes the gates were wrongly erected.
Agenda item 4/5 09/05/2023	KT denied this comment and replied that she believes she has done everything within the law.
Minute 09/05/2023 /0	SMcS asked “can we use the track for walking then?”
Agenda item 4/5 09/05/2023	AK “if people believe they have the right, then she can use it (the track)”

	Sharon McS addresses Kate T with “there is very limited access with the gates as they are very difficult to open”
Minute 09/05/20 230	Matt P Responded with “is our restriction the only thing (the gates) blocking the access?”, Mp was referring to netting AB had put up at the top of the lane that begins at the bottom of their gates.
Agenda item 4/5 minute 09/05/2023	Andrew B and Sharon McS responded jointly clarifying that the netting AB occasionally installs, is when he is moving livestock. They both said “the access at the top of the lane is only ever blocked for very short periods for lambing and stock moving”, Sharon also added “Andrew Bennett always informs me when he is going to install the netting”. * the lane being referred to in the comments above, is the same lane in the above minute*
Minute 09/05/2023 /0	Liz Andrews questioned “can the gates be made easier to open to gain access through?”
Agenda item 4/5 minute 09/05/2023	Sharon McS Explained that she is “extremely affected by the limited access, the track and access is something she has used for sixteen years.”
Minute 09/05/2023 /0	Kate T Apologized to Sharon, for how Sharon has been affected by the gates that the couple installed.
Agenda item5 minute 09/05/2023	Sharon McS explained her confusion for the dispute in response to Kate Ts’ apology.

Agenda item 4/5 minute 09/05/2023	Simon O Stated “I regularly walk my dog through the gates and have no problems.”
Minute 09/05/20 230	*The lady behind Sharon* questions the safety of walking through the property in the instance that pets of the property are going to be roaming around as people walk/ ride through.
Agenda item 4/5	KT and Matt P jointly replied that they do not yet own a dog, nor absolutely certain that they will be getting a dog.

minute 09/05/2023	
Minute 09/05/2023 /0	Simon O shared his views ,” there is no issue with the erected gates because the owners are wishing to protect their property.”
Agenda item4/ 5 minute 09 052023	Louise R-G responded “ I have used this track for 40years , the gates are making the track very inaccessible , I advise you change the gates and make amendments .” (in order to make the access easier)
Minute 09/05/2023 /0	Liz Andrews agreed with LrG Statement and said “ I suggest you change the positioning of the gates , to solve everyone problems>”
Agenda item 4/5 minute 09/05/2023	Sharon McS Confirmed that she is going to appeal to The Sectary of State since it is over two years that she applied for the track to be listed as a bridleway.

Agenda item4/ 5 minute 09/05/2023	Andrew Bennett asked that the Parish Council keep the matter of the gates on all future agendas.
Minute 09/05/20 230	KATE T wished to know the involvement the parish council could have. She asked “ can the parish council have a role in dealing with this matter?”
Agenda item 4/5 09/05/2023	AK asked a formal request that a formal investigation is made . He stated the parish council should look into the national archives / where previous and historical minutes will be held, in order to obtain historical information the track and its uses and understand whether any historical information found could be relevant and used presently.
Minute 09/05/2023 /0	Drew Cheslett suggested “ the area is cornered off to negotiate with everyone, the track will still rightly belong to the owners.”
Agenda item 4/5 minute 09/05/2023	Kate T and Matt p Replied that they are happy to compromise.
Minute 09/05/2023 /0	AK believed that “ the parish council cannot sit on the fence regarding this matter.”
Agenda item 4/5 minute 09/05/2023	Suzanne Oliver shared her opinion and stated “ if the gates can be altered to make everyone happy, then Matt and Kate will compromise”

Minute 09/05/20 230	Niamh Lisser and Sharon McS Had shared concerns that if the property owners were to get a dog , that it escapes , due to the difficulty of opening and closing the gates.
Agenda item 5	PLANNING &THE FUTURE OF THIS MATTER .
Minute 09/05/2023 /06	The public and councillors discussed the future and plans of the matter. Louise Rhead-Garlick agreed to meeting with Matt Pilmoor and Kate Temperly to discuss ways in which that access can be made easier and gain an understanding of how this can be made easier when on horse back . Sharon McSherry confirmed that she is going to appeal to The Sectary Of State and appeal since she has had no correspondence for two years from DCC regarding having the lane listed as a bridleway.
Agenda 6	THE SUMMARY

<p>0 MINUTE 9/05/2023/ 6</p>	<p>The Clerk summarised all of what had been discussed, including how people were going to move forward with this matter (Sharon McSherry appealing to The Sectary of State and Louise Rhead-Garlick meeting up with the owners to discuss how access can be made easier.</p> <p>The Clerk that asked the audience if anyone else had further comments to make, and when the audience replied “no”, the Clerk asked whether everyone was happy with what had been discussed and upon receiving a positive “YES”, CLOSED THE MEETING AT 20:37PM ON MAY THE 9TH 2023</p>
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