

## **Appellant's Note on Securing the Duration of Public Access Routes**

1. As requested by the Inspector at the Inquiry on Friday 15<sup>th</sup> November, this note sets out the Appellant's position as to provisions for securing the proposed public access routes.
2. The proposed routes are shown on the Concept Restoration Plan (CD15.23 and CD5.11) and are to be shown on the concept restoration scheme required by Condition 46. As confirmed by Mr Toland in oral evidence, it is proposed that all the proposed routes (i.e. those shown on the Concept Restoration Plan as 'proposed PROW (Bridleway),' 'proposed as upgraded PROW from Footpath to Bridleway' and 'Proposed Permissive Bridleway') would be provided and maintained for public use in perpetuity, whether by the Appellant/Owner or by agreement with the Council under section 25 Highways Act 1980.
3. Conditions 20 and 21 (as amended) seek to achieve this as explained by Mr Aldridge on behalf of the Council (rID73, p.6 and rID111, p. 1 – 2).
4. However, because a minerals permission is for a temporary period, there is some doubt as to whether Conditions 20 and 21 could apply and be enforceable beyond the 11 years duration of the development (see *Avon Estates Limited v. Welsh Ministers* [2011])

thereafter complied with. The LEMP is required to include for the provision and maintenance of the proposed public access routes (see para 2(ii), (v) and (vii) of Schedule 1 to the UU).

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