

Minutes of the meeting of the Sherston Footpaths Group held in Sherston Village Hall at 7.30 pm on Wednesday , 1 October 2008

Present:

Martin Rea
 Jay Dunn
 Steve Dunn
 Maggie Mckenna
 Philip Harries
 Andy Osborn
 Stan Bunce
 Pat Bunce
 Guida Bryant
 Sue McKechnie
 Roger Allen

Richard Broadhead and Colin Lovelock from WCC Rights of Way.
 Noel Banks – Cotswold Warden

1. The Chairman extended a warm welcome to Richard Broadhead and Colin Lovelock who had agreed to attend this meeting of the Group to discuss future strategy.

2. Apologies.

Apologies were received from Kath and Steve Sheard ,Richard Skeffington ,Graham and Sue Morris

3. Approval of the Minutes of 10 September 2008.

The Minutes of the last meeting were duly approved.

4. WCC Rights of Way

It was reported to the meeting by Colin Lovelock that that the Rights of Way Warden for North Wiltshire has 59 Parishes to cover and some 1,500 Rights of Way. With dedicated staff very limited they plan to visit each parish once every five years and spend roughly one month on maintenance. Mr Lovelock also said that they were currently running four and a half years behind schedule. Sherston Parish is due to be visited in 2011.

In respect of the Sherston problems that had been reported to them, the WCC surveyor had walked the path (Sherston 13) and the landowner had agreed to re-instate the signage etc. However this had not been carried out.

Mr Lovelock suggested that it would be sensible to approach the landowners before the crops were planted so that they would give due consideration to their obligations in respect of the footpaths crossing their fields.

He then referred to certain paths in detail:

Footpath 20 – at the time of their inspection the barbed wire had been removed and the Right of Way was available.

Footpath 22 – Sign has been re-fixed but the old stone stile is not stock-proof. This needs to be brought up again with the landowner. It was suggested that a gate or stile should be installed.

Footpath 13 – this site has been visited and in the opinion of WCC surveyor there is no problem with the Right of Way.

Footpaths 11 and 14 – it was suggested that maintenance work would be carried out when the parish received it's planned visit.

Ladyswood – apparently they had been unable to contact anyone relevant at the estate to get them to instate signs and paths. When the site was visited a gardener assisted in marking out the RoW and he was told where the stiles and openings should be. Allegedly the work would be done.

In general they had spent considerable time trying to sort out problems with landowners. Landowners have a **duty** to keep paths **open**. Any payments they receive from Government could be withdrawn if they do not comply with the rules relating the RoW.

Martin Rea then made the following comments:

Footpath 20 - in our experience the barbed wire appears and disappears; there is a digger on the site which is causing some concern as to the landowner's motives. What can we do?

Colin Lovelock suggested 'getting the landowner involved'.

As a general point Mr Lovelock said that the Local Authority does not have access to any sort of information as to 'who owns what'. The DEFRA database does contain this information but is unable to access this – so any information that Sherston can supply would be very helpful.

Footpath 22 – Over-cropping is the main problem. Landowner can be asked to re-instate the RoW and the work should be done within 14 days.

WCC said footpaths should be 1 metre wide; bridleway 2 metres wide.; footpath edge should be 1 1/2 metres; bridleway edge 3 metres.

WCC say landowners need reminders to begin to do work and they would try to avoid intervening. Process of serving Notices etc is very cumbersome.

Martin Rea suggested that we should identify the paths where we have a particular problem early.

Jay Dunn wanted WCC to note that she had reported the problem with the footpath Sopworth Lane to the waterworks, which is a very popular path for residents, runs along the edge of a field and from March to October is unwalkable. This is the Council's responsibility to maintain.

Richard Broadhead responded that they had been exceptionally overworked this summer because of the very wet and warm weather.

Footpath 26- this path had been 'adopted' by the Parish Council and they maintained the path and indeed had planted some trees. Martin Rea wanted to know if other parishes maintain their own paths.

Colin Lovelock replied that there were several parishes that did. Purton, Corsham etc. They form a work party together to clear paths in the parish. WCC were keen to encourage volunteer groups to help with the workload. They can supply handtools/ gates/ signs etc. Cotswold Wardens have made a great impact on the clearance and works carried out on RoW, which has been very helpful to WCC. The budget for the whole of North Wiltshire is £60,000 i.e. very thinly spread. Installing a kissing gate is around £300 including labour.

Martin Rea commented that it was County who were perhaps at fault for not being active in this matter i.e. encouraging parishes to become more involved in their rights of way network.

Footpath 13 – The polo activity at this site needed planning and this was on the basis that the RoW were taken into account. This was obviously ignored and now that the work is complete you cannot use the Highways Act retrospectively. District Council should take it up with the landowner for the enforcement of the diversion. Apparently early in the plans for the polo field and related activities there were maps and forms completed for the diversion of the RoW but these were never implemented. It should be possible to resurrect this paperwork and use it to rectify the problem.

Conclusion

Martin Rea expressed great concern about the time it would take for the parish to be visited and felt that five years was far too long a gap.

The formation of a volunteer group to assist the maintenance is a very good idea that we should pursue. We should contact other parishes and learn from their experiences.

If there are any broken/dangerous stiles etc. presumably the WCC will have to carry out remedial work. WCC say Cotswold Wardens have been able to help when this is the case. The various forms of furniture on a RoW are the responsibility of the landowner to maintain and a parish cannot interfere with it unless they have permission from the landowner. Although they try to track down the landowners, who are entitled to claim 25% of the cost, in effect this doesn't work so WCC find themselves carrying out the work. In some ways this is a better solution because they can be sure the work is carried out to a suitable standard.

Any Volunteer Group would need to be authorised if they are to carry out any maintenance. The position regarding insurance would need to be checked. It may be that if the Group falls under the auspices of the Parish Council then their insurance might cover the Group.

WCC said that in other areas groups from the Probation Service had been used to carry out some works. This would be looked at and discussed by the Footpath Group at a future meeting. Martin Rea mentioned again that the Scouts might be able to become involved.

WCC repeated that waymarkers, signs etc can be supplied. Volunteers cannot erect the signs on the highway and only on the RoW with the landowners permission .(Apparently Norton/Foxley have a volunteers group and landowners did co-operate with the work they carried out.)

Noel Banks said that the Stroud area has a very active Footpath Group which works well.

WCC said it does not have a database of RoW established but they are in the process of setting one up.

WCC were asked questions about specific problems:

Stiles/gates – these were the landowners responsibility; if there was a problem/damage involving a member of the public the liability would be theirs; if the WCC had been previously notified but had failed to take action to rectify the problem then WCC could be held to be responsible if the user of the path had not been negligent.

Surfaces – WCC has vested ownership of the surfaces of the RoW.

Vegetation - landowners should clear overhanging vegetation from the RoW. WCC can serve notice for the work to be carried out and if no action taken they can do the work and charge the landowner.

Stan Bunce asked the WCC if Parish Council can enforce WCC to carry out the work. Richard Broadhead described the various new Acts and how they impact on the current powers.

Martin Rea said the Footpath Group were keen to establish a good working relationship with WCC.

WCC said they would be able to assist in writing letters to the various landowners to ensure they were aware to their responsibilities.

WCC said they would set up a meeting in respect of the specific problems on **Footpath 13** including a representative from the Footpath Group which hopefully could sort out the possible diversions/signage etc. with landowners permission. Members of the public using these paths must be made aware of their responsibilities not to cause any damage and to keep their dogs under control. Any new arrangements in relation to the RoW would have to be formally recorded.

Martin Rea summed up by suggesting that the Footpath Group should approach local farmers etc. to try to establish 'who owns what'. WCC can supply us with copies of their maps which might make the job easier. When the information had been gathered, we could then write to landowners reminding them of their responsibilities concerning the RoW at the same time making it clear that the Footpath Group wished to act in a spirit of cooperation for the benefit of all.

The Chairman extended thanks of the Group to Richard Broadhead and Colin Lovelock for giving us so much of their time and advice. Richard Broadhead and Colin Lovelock then left the meeting, The Chairman also thanked Noel Banks for attending and Noel then left the meeting.

5. A protocol for local complaints ?

This matter was not specifically discussed at this meeting.

6. Current action re paths.

Martin Rea said he would approach the Parish Council in respect of the formation of a working party as described earlier in the meeting. The Group would also work towards the creation of a list of landowners and the issuing of relevant letters.

7. Walks Booklet.

Phylip Harries said he would rough out a suggested format for the booklet. For instance, a booklet with a pocket at the back into which we could put laminated walks information. He had been creating a database of the information and photographs provided by members of the group.

8. Matters Arising.

Martin Rea said he would make sure that the website is updated and any new information is supplied for including in the Parish Magazine.

Grove Wood – Noel Banks may need some volunteers for the work to be carried out.

Jay Dunn said they could supply a copy of a leaflet 'Ploughing and Cropping'.

9. Next Meeting.

Wednesday 19 November 2008.

MM 10.10.08

