

28 Aug 15

Parish Councillors

**JUBILEE WOOD WALKWAY
RECORD OF CONSULTATION MEETING - 27th AUG 15
AND RECOMMENDATIONS FOR A WAY FORWARD**

BACKGROUND

1. Following the PC meeting held on 20th July 15 it was agreed that the Residents of Geoff Sewell Close and the Allotment Holders should be invited to a consultation meeting to review the options available for the route of a pathway in the area of the Jubilee Wood. This consultation meeting was held at the Allotments on Thu 27th Aug; it was attended by some 30 individuals from the two groups.

BRIEFING NOTES

2. As Chair of the Parish Council, Cllr Cummings opened the meeting by explaining that the PC acts as the Trustee for the North Luffenham Field Gardens Charity. He introduced:

- Cllr Charles Cade – Vice Chairman
- Cllr Steve Marson
- Mr Ian Ferguson – Parish Clerk

To help establish the responsibilities of the Trustee he highlighted the charitable objects as laid down in the Scheme, which were:

“a. The relief of those persons resident in the area of benefit who are in financial need, hardship or distress by the provision of field garden allotments and

b. Such charitable purposes for the benefit of the inhabitants as the trustee thinks fit, but only in so far as the charity's income cannot be applied for the purposes set out in sub - clause a. above

The land identified in the schedule to the Scheme must be retained by the Trustee for the objects of the Charity for use for the objects of the Charity”

3. He explained that all of the land in question (Allotments and Rear of Geoff Sewell Close) belonged to the village and that the Parish Council as the Trustee was responsible for its management. He explained that as part of the consultation process the team would listen to comments from those affected by the proposals. The Parish Council acting as Trustee of the Charity would make decisions at a later date.

4. He then explained in some detail the background to the proposal. The script for this presentation is attached at **ANNEX A**. Three options for a pathway were put forward by Cllr Cummings as illustrated on the map at Appx 1 to Annex A:

- Route 1 – Walkway enters through small allotment gate, follows path to rear of Geoff Sewell Close and exits onto Edith Weston Road.
- Route 2 – Walkway enters through Bowls Club and Allotments Gate and exits onto Edith Weston Road.

- Route 3 – Walkway enters through the Bowls Club and Allotments gate and cuts through allotments following pathway onto field and exits onto Edith Weston Road.

COMMENTS RECEIVED

5. From the outset it was clear that the PC proposals had created real concern from both Allotment Holders and the residents of Geoff Sewell Close. The key issues highlighted by those present were:

ALLOTMENT HOLDERS

6. Allotment holders expressed the following concerns:
- Concern over access to the allotments.
 - Security and potential damage to crops and theft of crops by individuals using the walkway
 - Security concerns relating to the loss of equipment from sheds
 - Loss of privacy
 - Dogs roaming on and potentially destroying allotments
 - Car Parking by walkers in the area of the allotments and bowls club.

RESIDENTS OF GEOFF SEWELL CLOSE

7. Residents of Geoff Sewell Close expressed the following concerns:
- Security and child safety concerns.
 - Loss of privacy caused by individuals walking past the rear of the Geoff Sewell Close houses.
 - Concern at perceived vulnerability of the rear of the properties
 - Concern that the houses pre-dated any proposals to create a walkway at the rear of the properties.
 - Concern regarding parking by walkers in Geoff Sewell Close

GENERAL COMMENT

8. The difficulty that the Parish Council has is that Option 1 and 2 would be unacceptable to the residents of Geoff Sewell Close, whilst Option 2 and 3 would be unacceptable to allotment holders.

9. All parties agreed that the woodland walkway was an excellent initiative and should be supported as long as the impact upon both allotment holders and Geoff Sewell Close residents (as noted at Para 6 and 7 above) was managed effectively. However both allotment holders and residents of Geoff Sewell Close, albeit for different reasons, made it clear that none of the currently proposed routes would be accepted as viable options.

ADDITIONAL OPTION

10. An additional option was proposed from the floor:
- Route 4 – Access through gate off Edith Weston road – route follows the boundaries of the field as illustrated in the Map at **ANNEX B**.

This option had the considerable advantage of causing least impact upon both allotment holders and the residents of Geoff Sewell Close. No substantial concerns were expressed regarding the implementation of this additional option.

SUPPORT REQUESTED OF PARISH COUNCIL IN MANAGING THE WALKWAY

10. Those present requested that in taking the initiative forward, whatever option was chosen, the PC should ensure that:

- The proposed walkway was properly signed
- That 'dog bins' were provided
- That all walkway users were made aware of the need to keep dogs under control at times.
- Dogs were not allowed to stray onto the allotments

RECOMMENDATIONS

11. Notwithstanding the Parish Council's preferred route (Route 2) it was apparent that such an option would in all probability be unmanageable to meet the concerns of all parties. The levels of concern expressed by those attending the consultation cannot be ignored. I am unaware of any strong feeling held elsewhere in the village concerning any particular route for the proposed walkway. The consultation process has been a very useful way of fully understanding the needs and aspirations of the community and is an example of how the Parish Council can develop ideas in line with the aspirations of the community as a whole.

12. I strongly recommend that the Parish Council adopt the proposed walkway route Option 4, as illustrated at **ANNEX B** and proceed to develop plans for formalization of the route as a permissive pathway. (For information - A short paper on permissive footpaths is attached at **ANNEX C**) To achieve this funding will be required in due course for the following:

- Pedestrian access gate
- Dog litter bins
- Signage



PBG CUMMINGS
Chair NLPC

ANNEXURES:

- A. Chair NLPC Consultation Briefing Notes
Appx 1 – Map - Walkway Options 1, 2 and 3
- B. Map – Option 4 Walkway Proposal
- C. Information Brief – Permissive Footpaths

**SCRIPT USED BY CLLR CUMMINGS FOR JUBILEE WOOD PATHWAY CONSULTATION
27th AUGUST 2015**

In July 2012 planning permission was granted by RCC to convert the whole of the 'Allotments Field' into Woodland subject to a number of conditions.

Jul 13 – PC decided to take back only 1ha around the edge of the field and agreed to consult with Residents of Geoff Sewell Close.

Oct 13 – PC agreed to consult all residents of the village. There were 13 replies:

- 5 x GS expressing concerns
- 4 x GS supportive of proposals
- 1 x Allotment holder expressed concern regarding the gate
- 3 x Individuals expressed concern that PC would have difficulty in managing the footpath.

November 13 – Full planning permission granted

Mar 14 – Trees planted

Congratulations to Charles and others – trees are well established and growing well. The next stage will be to develop a footpath to enable villagers to enjoy the facility. Thanks to Bob and John Sewell for their support in enabling the PC to take back some of the land that had been let to them for agricultural use.

The PC has maintained a commitment to consult before formalizing the route of the pathway. This is a significant enhancement to the village but we are aware that it does have the potential to impact upon some villagers.

AIM

The aim of this meeting is to give all those affected an opportunity to hear the options being considered by the PC and to have an opportunity to express their individual opinions and preferences. We have invited Spire Homes to attend, however they are content to remain an information addressee but would wish to be kept informed of progress.

PROCESS

I will initially identify the options available. Charles will then explain the options on the ground - and we can walk the ground if necessary – I will then invite comment from all present. We have the use of the function room in The Fox if necessary.

OPTIONS

Taken into account the land available to us we have decided that whichever option is selected there will be an access gate provided at the top corner of the field opening onto the Edith Weston Road footpath. The exact design of the gate has yet to be concluded.

There are 3 access points each of which becomes an Option for the Start of the Footpath. These are:

- Route 1 - The Small Allotments Gate.
- Route 2 - The Allotments gate TR to edge of GS Close
- Route 3 - Through the allotments and TR onto footpath

Each of these routes is shown on the diagrams that Charles will now circulate. (APPX 1)

Charles will now point out the options available.

COMMENT

I will now invite you to speak in turn and would welcome restraint when others are invited to speak your comments will be recorded by Ian as Parish Clerk.

CONSIDERATION BY PC

The PC will consider the opinions of all parties. It is clear that we will not please everyone but are looking to achieve a sensible solution, which will not be hugely disadvantageous to many. This is an excellent facility and we must find an appropriate way forward.

STATUS OF THE PATHWAY

The PC believes that the walkway should become a '**Permissive Footpath**'. The pathway would not become a public right of way and as a Permissive Footpath the Parish Council could vary its route; close the path on occasion and review the way in which villagers use it.

Nothing needs to be set in stone and we will retain considerable flexibility.

This is your opportunity to tell us what you think.

NORTH LUFFENHAM
WOODLAND WALKWAY CONSULTATION
PROPOSED ROUTES FOR CONSIDERATION

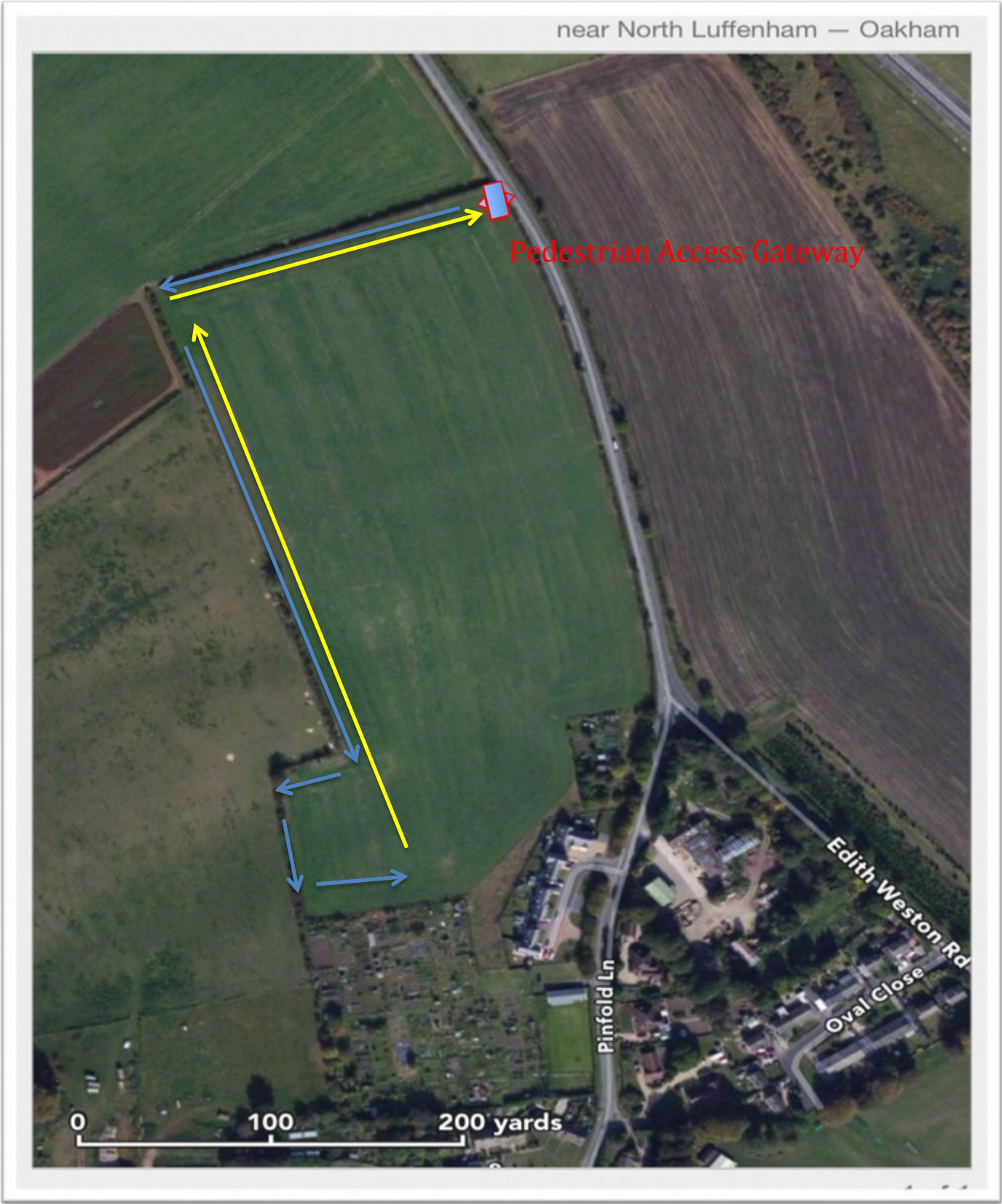


Route 1. Walkway enters through small allotments gate follows rear of Geoff Sewell Close and exits onto Edith Weston Road



Route 2. Walkway Enters through Bowls Club and allotment gate and exits onto Edith Weston Road

**OPTION 4 - CIRCULAR ROUTE
WITH ACCESS IN AND OUT OFF EDITH WESTON ROAD**



BRIEFING DOCUMENT – JUBILEE WOOD PERMISSIVE FOOTPATH

BACKGROUND

1. Having made excellent progress with the Jubilee Wood Project we are now in the position of formalizing the public access arrangements. It has been suggested that the most appropriate way would be to allow access by permission but not as a right – this is generally termed as a Permissive Footpath. The advantages of a creating a permissive footpath include:

- The pathway does not become a public right of way, which could restrict any future development of the land.
- The landowner can close off or divert the path if they wish to do so, without any legal process being involved.
- The landowner can make restrictions, which would not normally apply to highways, for example to allow horse riding but not cycling, or the other way around.

AIM

2. The aim of this document is to brief the Parish Council on the process required to create a permissive footpath around the Allotments Field.

DEFINITIONS:

3. The following definition may add some clarity to the proposal:

“Permissive footpath – this footpath takes you over private land and isn’t a right of way. The landowner has granted permission for the route to be used by the public but they also have the right to withdraw that permission if they choose. The path will often be closed for one day a year in order to protect the landowner against any future claims of continuous public right of way. The date(s) the path is closed for should be well signed in the area.”

(Source: Ordnance Survey)

PROCESS

4. I have sought the advice of Rutland County Council Rights of Way Planning Policy staff on the process that they would wish us to adopt in creating the proposed footpath. I have asked for their advice prior to the PC meeting on 7th Sep 15.

5. Notwithstanding the direction awaited from RCC, which will guide our deliberations on the process to be adopted, there is plenty of information available on the Internet. The following extract may be useful:

Permissive paths: A landowner may consider making public access available through a permissive path agreement. Permissive paths are not legally recorded Public Rights of Way and are not defined by statute. They may provide new permissive footpaths or bridleway routes, or allow existing footpaths to be upgraded to a bridleway. A permissive path agreement can provide a very worthwhile addition to the path network for the benefit of path users, whilst not committing the landowner to a permanent public path on his land.

There are 2 types of permissive path:

- *Through agreement - A formal agreement with the County Council can be entered into to allow use by the public for an initial specified period. Approval from the Rights of Way Committee or through delegated powers is required to set up such an agreement. The County Council, as Highway Authority, would be liable, subject to agreed terms, for the maintenance of a permissive path where there is a formal agreement in place, and for the term of the agreement.*
- *Through informal consent - An owner may simply allow the public to use a route on his or her land and this consent may be withdrawn at any time. The County Council would have no obligation in terms of maintenance or liability for such routes.*

(Source: West Sussex County Council).

NOTICES

6. A permissive footpath must have some sign or similar indication that it is not intended to be a right of way. The policy guidance on this suggests that:

Notices should be erected at every entry point to a route, to establish that access is by kind permission of the landowner only and may be withdrawn. Landowners should take advice on the precise wording and keep a photographic record of the notices and their erection date.

"This path is not a public right of way, but walkers are normally allowed to use it by permission of the landowner, and at their own risk".

The above printed on a permanent plaque will be attached to signs, stiles or posts at each end of the path and also at any point where the path crosses a metalled road or meets a definitive right of way.

Source: Institute of Public Rights of Way and Access Management

RECOMMENDATION

7. It is recommended, that with advice from RCC, the Parish Council should seek to formally develop the Jubilee Wood footpath as a "permissive footpath".

PBG CUMMINGS
Chair NLPC