

Area West Committee – 17th October 2007

7. Proposed Public Path Extinguishment Order – National Cycle Network Route 33 North of Peasmarsh Farm to Donyatt (Executive Decision)

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Purpose

To respond to informal consultation from Somerset County Council (SCC) on the extinguishment of public footpaths and the possible creation of public bridleways to accommodate the Peasmarsh to Ilminster section of the National Cycle Network (Route 33).

Recommendations

- (1) that South Somerset District Council (SSDC) objects to the proposed extinguishments i.e. to reduce the width of existing public footpaths CH11/UN and CH14/UN;
- (2) that Somerset County Council (SCC) be requested to dedicate bridleway rights on the entire route in their control from Peasmarsh to Ilminster and remove inappropriate furniture;
- (3) that officers produce internal guidance notes for implementation of recreational routes to support existing policies.
- (4) that the District Rights of Way Officer submit a further report updating members on the progress of these matters.

Background

Prior to legal changes to the rights of way network, local authorities normally informally consult other local authorities, user groups and interested parties on proposals. Schemes may then be amended to accommodate views thus reducing the likelihood of a public local inquiry should a public path order be objected to. The only test for extinguishment is 'not needed for public use'.

Following the construction of the new A358 on the former railway line between Peasmarsh Farm Lane and Stibbear Lane, two former sections of road were stopped-up in 1973 subject to the reservation of footpath rights. The practice of reserving only pedestrian rights was common throughout the country in those days. In more recent times such road closures would be recorded as bridleways thereby also accommodating horse and cycle use.

The roads have a tarmac surface across their six to seven metre width and retain the former verges and adjacent hedgerows.

These old roads are now part of the National Cycle Network (Route 33) – see page 8 for information - which continues northwards along the former railway line to Ilminster. This recreational route is managed and promoted by Sustrans. It is shown on Ordnance

Survey maps and signed for cyclists along the way. It is also known as the Wessex Way or Coast to Coast route. It was formally opened on 19th September 2003.

A Section 106 agreement was signed in 2001 requiring Somerset County Council to dedicate bridleway rights on the northern section of the former railway line towards Ilminster.

SSDC set up a Cycling Opportunity Group and the Rights of Way Liaison Group in 1994 to advise on procedures and practices. The Countryside Service (together with Tourism) sought to provide opportunities for greater public access and enjoyment of the countryside including catering for the disabled and improving the bridleway network.

Since 1968 cyclists have been able to use bridleways (subject to their giving way to walkers and horse riders). The historic minimum width for a bridleway is 3 metres based on the Highways Act minimum width for a bridle gate (five feet) and allowing for two horses to pass each other. The minimum width has not been reviewed by SSDC. Other bodies now promote greater widths that can cater for significant use by cyclists as well as walkers, horse riders and powered wheelchairs.

SUSTRANS now have a standard minimum width of 5m for multi-user tracks. In a 2004 planning application for a possible route south of Chard, the typical cross-section was shown as 6m, which included a 2m grass verge for horses. The British Horse Society recommend its preferred five metre width for new bridleways and up to 10 metres for 'Greenways' or strategic routes. Greenways are defined by Natural England as multi-user routes for non-motorised users.

Extinguishment Application

SCC consulted SSDC on the extinguishment of public footpath rights over the majority of former public roads, which are used as part of the National Cycle Network. It wished to reduce the width of footpath CH14/UN (former Peasmarsh Farm Lane) to 3m (see plan attached at page 9). Public Footpath CH 11/UN was to be reduced on the plan attached (page 10) to 3m between points A and B and to 4 metres between B and C. I raised an objection to any reduction in width and requested that these routes (and the linking former railway line leading northwards to Ilminster) be dedicated by SCC as bridleways.

SCC replied that if objections to the "proposal are unresolved then County Farms will withdraw the offer of a bridleway dedication leaving the route as a footpath only and one where they will take steps to prevent additional access" We were reminded that negotiations are also continuing "with County Farms to dedicate a bridleway for the remainder of the route" (along the former railway line to Ilminster).

A revised consultation has been received that allows for 3.5m width instead of 3m. At points W and Y the width would be 1.5m.

Retention of the existing width (the entire former road area) will enable easy access to all users once the recent usage is formalised by SCC through a bridleway dedication. The recently erected four feet wide gates and cattle grids could be removed to comply with current legislation and create a more welcoming route. Control of motor vehicles could be provided by lockable posts (already present at point 'A') or a large boulder at the entrances to the route.

Disused railway lines are safeguarded in the Local Plan to provide recreational routes together with links between such ways.

Hedgerows adjacent to rights of way are protected by regulations. The extinguishment of the majority of the width of the footpath could remove such protection from one hedge.

The position of a bridleway would safeguard this route and compliment various corporate objectives including promoting tourism and active recreation.

Financial Implications

None.

Implications for Corporate Priorities

- Improve the health and well-being of our citizens
- Promote a balanced natural and built environment
- Increase economic vitality and prosperity

Background Papers: Cycle routes working file
ROWLAG 1994-2000