

HIGHWAYS ACT 1980-Section 118
THE SOMERSET COUNTY COUNCIL
(Footpath CH 11/UN (part) (West of Stoneham Bay Bridge) and CH 14/UN
(part) (North east of Peasmarsh Farm) in the Parish of Donyatt) Proposed
Public Path Extinguishment Order

In February 2007 Somerset County Council (SCC) undertook informal consultations on the proposed partial extinguishment of the width of two footpaths currently recorded as footpaths CH11/UN and CH14/UN (A-C and W-Z on the attached map). At the committee meeting on 17th October 2007, South Somerset District Council (SSDC) Area West Committee objected to the proposal.

There is a secondary proposal (should the partial extinguishment of these footpaths be successful) of a bridleway creation agreement for the majority of the route within the County Council's control (as landowner) to the south west of Ilminster.

The paths which are the subject of this consultation (A-C and W-Z) are currently shown on the Sustrans website and on OS maps as part of the National Cycle Network (NCN) route 33. However, following a cycling accident in 2006 the ensuing investigation established that A-C and W-Z are public footpaths only and no agreement for their use as a cycleway exists between SCC and Sustrans.

SCC Rights of Way was asked if there was a solution to the anomaly and following discussion with County Farms agreed that a bridleway creation agreement was the quickest and most cost effective way to formalise the status of the route. Whilst these discussions were taking place, travellers set up an encampment on part of the section W-Z. It became clear that the arrangements put in place to secure the sections against unlawful occupation were inadequate and required attention. Whilst gating arrangements were being reinforced, consideration was given to other options to reduce the potential of future occupation. A favoured option was the construction of bunding along the lengths which effectively would reduce width, but as the current full width constitutes the footpath, an obstruction would thereby be created.

Presently there is no intention to carry out work which will physically reduce width on the ground, but in the event of any future unlawful occupation problems, there is a wish to have available immediately options such as bunding or narrowing in any other way. The time spent in dealing with this extinguishment is testament to how long these processes can take and to wait until the event happens again is inappropriate. There is no "hidden agenda" so far as the County Farm Estate is concerned. This is simply a question of having options and being able to react quickly, if necessary, in the future.

The reduction in width is also required from a management point of view with regard to future maintenance of the paths. There is no loss of amenity to the public by reducing the width of the path and in terms of future maintenance costs it has to be considered what is reasonably achievable within a limited resource. It is clearly more sustainable to maintain (to a suitable standard) a path of the width of 3.5 metres as opposed to 7 metres.

As a result of the Area West Committee decision on the 17th October 2007 to object to the proposed reduction in width, a site visit was arranged by the County Council to discuss the objections to the proposal and how they could be resolved. The site visit took place on the 4th June and as a result, amendments have been made to the original proposal.

The proposal is to extinguish part of the width of CH11/UN (currently approximately 7 metres wide) leaving a width of 3.5 between points A and B widening to 4 metres at point C, and to extinguish part of the width of CH14/UN (W-Z) to 3.5 metres (the existing width of the visible surfaced sections). The exception to this width will be at points W and Z where the width will be restricted to the recommended 1.52 metres to accommodate users whether on foot, horseback, bicycle or wheelchair.

The main points of objection in the District Council's report of October 2007 and raised again at the site meeting in June 2008 appear to be:-

- Existing gates, etc. The cattle grid at point W will be removed and the surface returned to its original state. The gate at point Y will be removed and the pinch point of 1.52 metres moved to point Z. A more aesthetically pleasing restrictive measure will be put in place at W and Z. The gate at point D will be removed and the bollards at the Stoneham Bay Bridge Area will be moved to the west of the bridge, and the existing bunds will be removed.
- Protection of Hedgerows. The hedgerows are protected under the current tenancy agreement and will be under any future agreements. If the land is sold, the hedgerows will be protected by covenants.
- Width. As can be seen from the photographs, the reduction in the width of the route between points A-C and W-Z has no material effect on the current available width of the path and would not be detrimental to walkers, horse riders, cyclists and others. It has been used for many years in its current state. It is also consistent with the width of the remainder of the route northwards which is no wider than 3 metres and in some places considerably less.

At a more recent meeting a request was made by SSDC for a condition to be attached to the order stating that should use of the route increase in future, the verges may be utilised to increase the width of the path. Under section 25 of the Highways Act there is no mechanism by which any such condition can be incorporated into a bridleway creation agreement. However County Farms are prepared to place on file confirmation that consideration will be given to the matter should the need arise.

Other issues raised at the site meeting were:-

- the cattle grids on the section of route just north of point C. it was stated that the cattle grids adjacent to the gates along this section are difficult for some people to negotiate on a bicycle. We believe the cattle grids do not affect the majority of cyclists and other users, we are not aware of any incidents which have taken place. Discussions have taken place with County Farm tenants and they wish the cattle grids to remain in place for stock control purposes. The existing gates alongside the cattle grid will be replaced with 5ft (1.52m) wide gates which is the standard width of a bridleway gate
- the proposed bridleway creation agreement north of C. As mentioned earlier if the extinguishment order is successful, County Farms are willing to dedicate bridleway rights along most of the section within their ownership and we have a signed "Willingness to dedicate" form on file. Legal processing of this agreement will commence as soon as the extinguishment order is confirmed. Sustrans support the reduction in width of A-C and W-Z and welcome the proposed bridleway creation order.

The subsequent creation agreement will be for a bridleway for the majority of the route within County Council ownership (M-Z on the attached map). The completion of bridleway status (which walkers, horse riders, cyclists and certain mobility vehicles may use) will mean that the route will have legal status which it currently does not apart from

2 small sections of footpath. Bridleway status affords legal protection for the route and ensures future maintenance by the County Council.

The status of bridleway for the section north of the County Farm ownership to Ilminster (G-H) has also recently been confirmed through the Section 106 agreement with Persimmon Homes. Both of these developments would enhance the potential to develop the route (part of the developing Stop Line between Seaton and Weston Super Mare) northwards from Ilminster to potentially link to the A303 underpass at X-Y (this has been discussed with the Highways Agency).

Should objections to the reduction in width remain; SCC Rights of Way will not pursue the order for the extinguishment of part of the width of the footpaths as any outstanding objections are likely to result in a public inquiry, on which it will not be possible to dedicate officer time and resources. County Farms will not be willing to proceed with the dedication of the bridleway and Rights of Way would not be willing to accept the dedication of a seven metre wide bridleway which is not currently in an acceptable state of repair for a multi use path.