

Footpath Warden report for the Heritage and Open Spaces Committee meeting on 26 April 2022



In place of the usual report, since little has changed since February, I append notes which I have sent to Frances Salway (Norfolk County Council Countryside Access Officer) in preparation for the planned meeting on 29 April. These notes pick up the main items of concern affecting public rights of way in Dereham; they are not a complete list of all issues.

FP2 This path is half field edge and half cross field. A long standing problem has been the planting of crops right up to the field edge, leaving no space for the footpath, and leaving an inadequate path on the cross field section. Frances has said that NCC has contacted the relevant landowner within the last year. This has been a small or a big problem depending on the crop planted. A recent walk there though the rape crop showed an improvement, although the path was still very narrow in a couple of places. On the cross field section, a path was available except for the few metres at each end of this section, where walkers have to push through a very narrow opening through the crop. The main, middle, section had a path acceptable for now, but as the crop grows further, this gap will close and walkers will inevitably collect a lot of pollen as they try to make their way through.

Proposed action Request NCC to contact the landowner again to say (1) the field edge section is much better, thank you; (2) the ends of the cross field section are still far too narrow; and (3) the middle part of the cross field section needs to be widened soon to allow walkers through as the crop grows.

RB3 This byway has been unlawfully ploughed out for years. Frances has said that the landowner does have a responsibility to maintain the restricted byway and has contacted the relevant landowner within the last year. In addition (November 2021), she inspected RB3 and reported that the route had been cultivated and was not marked out on the ground, so she had written to the land owner once more reminding him of previous correspondence and asking him to contact her; she had also offered to meet him on site. Nevertheless, the situation on the ground has been unchanged for well over 5 years. Tony Needham has written to note that “the mood of the [last HOSC] meeting ... was that the obstruction of RB3 has gone on for long enough and the County should not be acting reasonably towards the land owner, with reference to R v Surrey County Council ex parte Send parish Council. The mood of the meeting was that it is reaching the point where A Councillor may propose taking formal action against Norfolk County Council Under s.130 [http://www.legislation.gov.uk/ukpga/1980/66/section/130\(6\)](http://www.legislation.gov.uk/ukpga/1980/66/section/130(6)) of the Highways Act 1980.

Proposed action *Either (1) If NCC proposes to require the landowner to reinstate the restricted byway, it should set a specific timescale within no more than 3 months by which time the RB is established and subsequently maintained, or (2) if NCC is willing to consider a diversion, consultation with all relevant parties should be started within 2 months; such a diversion must be of similar length and form a right of way not a permissive route (there seems to be an obvious route available).*

FP14a The boardwalk on this path is in need of substantial repair; collapsed boards and a missing section of the culvert bridge, present tripping hazards to walkers, and rather greater danger to cyclists (who are not legally entitled to use the path, but clearly do). Frances has said that this has been identified as a capital works scheme to be replaced with an aggregate path, and that the Environment Agency has requested an environmental impact assessment which will need to be approved before work can go beyond the design stage. (The path crosses a SSSI.)

Proposed action *Support the proposals but monitor progress to ensure there are no undue delays.*

RB30 A short section of this byway, immediately north of Swanton Road, runs between a tall (and prickly) hedge to the west and a steep and deep ditch to the east. I do not know whether the hedge has been allowed to grow well beyond its original width, or whether the ditch has been dug from the surface of the restricted byway, but the remaining path is not only very narrow, but slopes sideways towards the ditch; to complete the hazard, vegetation growing on the sides of the ditch can mask its existence to the unwary walker.

Proposed action *Request NCC to determine action, depending on land ownership, either (1) to significantly cut back the hedge, or (2) to fill in the ditch, or (3) to take some other action which enables the establishment of a safe path usable by all legitimate users of a restricted byway.*

RB32 (Shillings Lane) The path has been subject to substantial flooding, to which surface drainage from the new houses built by the football ground has no doubt contributed - and more houses are now being built. Frances has said that funding of £24,000 is available from the Parish Partnership Scheme and the Dereham North Local Member Highway Budget for improvement works. Norse quoted £56,000 in 2021 to complete the works. NCC is willing to work with DTC if the Town Council wish to take this scheme forward.

Proposed action *DTC to decide whether it is willing to contribute in the way suggested; if not, some other course of action needs to be agreed.*

FP34 The boardwalk section of this path is in need of substantial repair, presenting tripping hazards to walkers. It has been closed for some time, though the notices at each end are in poor condition and steadily disappearing. It is accepted that access to this path for plant and materials is difficult, but the work is nevertheless needed.

Proposed action *Request NCC to determine action and set a reasonable timescale for implementation.*

RB37 This relatively recently recognised restricted byway (following a claim made by DTC) is still unusable by all those legally entitled to use it. Most of the time, walkers can get through, and probably more adventurous cyclists, but not others. There are significant obstacles which need removing, as well as considerable vegetation growth which arguably should have been cleared when the restricted byway was added to the Definitive Map. There is also a significant quantity of litter, much of it coming from the A47 layby. In November 2021, Frances said:

“I have contacted the District Council concerning the fly tipping & rubbish (tyres, damaged heras fencing & litter etc). I have also contacted the housing developers and asked them to attend to their Heras boundary fencing which is encroaching onto the RB. I met with Highways England on site and discussed vegetation, fencing and littering issues. They have advised that they are not responsible for any boundary fencing with the only exception being the section adjacent to the layby on the A47. In general they install boundary fencing for definition when schemes are at the construction stages, but following completion of the works the fencing is the responsibility of the adjoining landowners. They confirmed that the litter issue is the responsibility of the District Council and they have, and will continue, to contact them in regard to this location and other problem areas along the A47 corridor. We discussed surface, encroaching & overhanging vegetation and established who was responsible for each. I am currently waiting for my contractor to provide a date for a site meeting to provide an estimate for vegetation clearance of the route. I have agreed with Highways England that I will contact them again once we have carried out the work and they will then attend to their vegetation and be in a position to assess the fencing adjacent to the layby. I did ask if it would be possible for some form of netting to be fixed to the timber fencing to prevent the ingress of litter from the layby on to the RB and they advised that they would consider this once they could fully assess the situation.”

More recently, Frances has said that NCC has recently met with a contractor on site to assess the restricted byway, and an estimate has been provided for the vegetation clearance. The section 38 agreement with the developer covers some improvements to the public right of way and NCC will be contacting the developer to progress this matter in due course.

Proposed action *DTC to lead negotiation between NCC, BDC and National Highways to remove all existing rubbish and take steps to prevent any more being deposited. Due note should be taken to set a reasonable timescale for this long standing problem - ‘in due course’ sounds far too far ahead.*