

Community Access Warden report for the Heritage and Open Spaces Committee meeting on 28 November 2023



Many of the activities described in this report have drawn extensively on the support of colleagues within Dereham Walkers are Welcome. The following abbreviations are used:

FP - Footpath; BR - Bridleway; RB - Restricted Byway; NCC - Norfolk County Council; BDC - Breckland District Council
DTC - Dereham Town Council; PRoW - Public Rights of Way; WaW - Walkers are Welcome

Requested action

1 General report - led walks

Since September, WaW short walks have continued on the first Friday of every month and are planned to do so through 2023. Our 'Easy Tuesday' walks have also continued and seem to be meeting a small but specific demand. In October, we used the Konect bus out to Mattishall before walking back.

to note

2 Path issues

1 **FP1** - A short path runs from Bush Lane (not a right of way but frequently used without challenge), north of the A47, to reach the boundary of National Highways land. It crosses the boundary fence through the only stile on rights of way in Dereham, to run alongside the fence, then up steps to the A47. The path, severed when the bypass was built, continue south as FP1a to meet Mattishall Road. There is no stock on the land adjacent to Bush Lane and extensive fencing would be needed to contain any stock; the stile therefore serves no purpose. I would propose to seek its removal.

DTC to consider

2 **FP2** - A recent update from NCC promises resolution. An unexpected complication was NCC's realisation that the section of footpath along the field edge actually changed sides of the hedge part way along. Work is underway to establish a path of appropriate width along the legal line, levelling the surface and cutting back intruding vegetation.

to note

3 **RB3** - I understand that DTC has received a reply from NCC to its letter, though it lacks any additional information. NCC has responded to my enquiries to say "NCC are not in a position to take direct action regarding the crop obstruction on RB3, until we get our house in order regarding a crossing over the ditch." As a reminder, this path is recorded as a restricted byway, but crosses a shallow ditch a little north of its southern end. NCC has said that it cannot consider a diversion until the present legal route is established and it is its responsibility to bridge the ditch; such a bridge would have to accommodate all legitimate users of a restricted byway, ie up to horse and carriage, which would be very expensive. Given that (1) the ditch ends a couple of metres to the east of the byway, and (2) establishing the byway would make a very inconvenient division of the field for the landholder (unlike other public rights of way, there is no legal entitlement to plough and re-establish a byway - it has to be left in place at all time), there is little

DTC to consider my proposal

Requested action

enthusiasm for putting in a bridge. I suggest that a pragmatic solution would be to establish a nearby diversion on already existing tracks, after which the restricted byway could either be left or legally extinguished. There are a number of landowners here, plus some affected land whose ownership is not known. Discussion are taking place at present to explore the options here, which would also depend on the willingness of the landowners of all parts of the diversion route to be willing to support this. I would suggest considering getting the support of NCC to try to arrange a meeting of NCC, all affected landowners, Ian Mitchell from The Ramblers, Dereham Town Council and myself, to seek a solution acceptable to all.

- 4 **FP12/12a** - Awaiting the work that National Highways is stated to be carrying out on the underpass between December and February to try and establish why it continues to flood.

to note

- 5 **FP14** - Several visits have been made to clear rampant undergrowth on this path; those parts of the fallen tree that fell into the school grounds were removed (presumably by the school) - but thrown over the fence onto the footpath. We have now cleared nearly all the vegetation, trimmed the tree stump back and removed the severed branches left by the school. We have one more visit to make to complete the clearance to make the path walkable. I have made some approaches to The Ramblers to see if we can run their brushcutter along the path to make a more lasting impact.



to note

I am still pursuing litter clearance with the Diocese, which has now come round (4 years after it was suggested) that erecting a fence may be needed. There is as yet no promise of action and modest amounts of rubbish and garden waste continue to be deposited, though this has been less obvious recently because of vegetation growth.

- 6 **FP14a** - I await progress on this by NCC to repair/replace the damaged boardwalk.

await NCC

- 7 **RB26 (Dumpling Green)** - This path remains difficult in places as water lies on the path even after prolonged dry weather and there are (I assume) private rights to drive tractors and 4x4s which create water filled ruts in the mud. I am trying to establish if there is any remedy obliging those exercising their

DTC to support finding a solution

Requested action

private rights in a way detrimental to the public exercising *their* rights to make good the damage, or to fund someone else to do so for them. (The same issue arises in a much milder fashion on RB36 (Cherry Lane), where vehicles accessing the allotments create and exacerbate the potholes which are a nuisance to walkers and cyclists (and any horse riders or carriage drivers seeking to use this restricted byway.)

- 8 **RB32 (Shillings Lane)** - Is there any update on getting the surface of the remainder of this byway improved and extended to crossing The Neatherd? *update if available*
- 9 **FP34** - One section of this path running alongside the stream is prone to extreme muddiness in wet weather; NCC is aware of this, but has no resources as yet to take any steps to deal with it (and would require a number of permissions to do so). I have asked for the part of this path that leaves the boardwalk to run through the woods to meet FP18 to be added to NCC's contract for cutting as parts of it can easily get overgrown. Contracts are to be relet in 2024 and I am told it will be considered then. *to note*
- 10 **RB37** - I was informed by the CAO in September that they would ask National Highways about timescales for replacement of the section of fencing adjacent to the layby. They have told me that "National Highways have advised that they revisited the site and assessed the work, which would include a significant amount of vegetation removal and the installation of approximately 100m+ of new fencing. Unfortunately the work would be outside of their current financial capabilities. As a more cost effective option, I asked if they would be able to fix wire or plastic net/mesh to the existing timber fencing, to try and prevent some of the litter from the layby entering the restricted byway. They advised that they could explore that option but didn't think that the existing fencing would accommodate the mesh due to its poor state. They are happy to revisit in the future, but for now they cannot say when or if they will be able to commit to this work." I would propose that this is not allowed to rest and have asked the CAO if they could enquire (1) what is the estimated cost and (2) what is the specification of the work they considered. I wonder if there would be the possibility of getting some of the work (eg vegetation clearance) done by Dereham Walkers are Welcome and/or The Ramblers, and seeking additional funding sources (assuming National Highways would probably not allow others to do the actual fencing work). *DTC to consider any action it can take*
- 11 **New path linking RB39 with Hurn Road** - No change since last meeting. As a reminder, a planning condition for the storage facility was that "The pedestrian footpath to the eastern and southern perimeter of the site shall be permanently made available for all members of the public upon the development first being brought into use and retained as such in perpetuity. Reason for condition: In the interests of retaining pedestrian links within the vicinity." In practice, the path has not been maintained (it was not dedicated as a right of way), so I submitted a request for enforcement action by Breckland District Council. BDC has said that its practice is to allow up to 12 months to resolve investigations. It says it is waiting for *DTC to consider any action it can take*

Requested action

information from NCC, and says its investigations “must, for the time being at least, remain confidential.”
The path had become quite overgrown, but a recent visit in preparation for undertaking some clearance showed that someone unknown had beaten me to it and the path was walkable and (with care) cyclable.

12 **Proposed trod along Etling Green** - I have previously suggested that a trod be constructed to continue the footway from the entrance to the new cemetery on Etling Green to FP6, preferably on the north verge of the road. I believe it has been inspected already and considered fully suitable.

to propose for funding

3 Other work

3.1 Our main pack of 14 walks has been updated and the new versions are available on the Dereham Walkers are Welcome website.

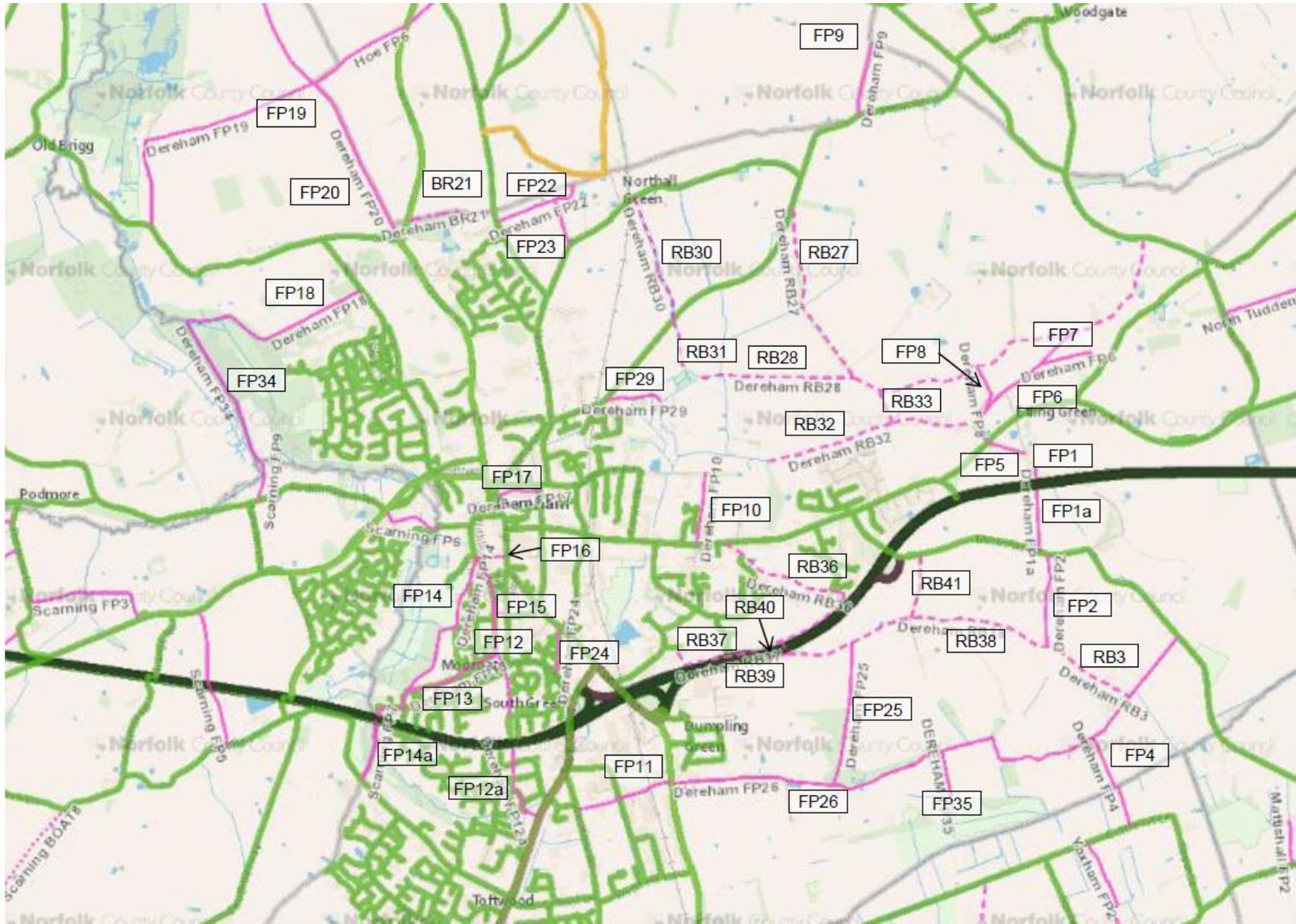
to note

3.2 A further leaflet of a circular walk in Dereham has been prepared and is with the printer.

to note

Ken Hawkins, Community Access Warden, Dereham Town Council

15 November 2023



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- 20, 21, 22
- 23, 30, 27
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- 31, 28, 8, 7
- 34, 29
- 33, 6
- 32
- 17, 5, 1
- 10, 1a
- 16, 36
- 41
- 14, 15, 40, 2
- 12, 24, 37, 38
- 39, 3
- 13, 25
- 14a, 11, 4
- 12a, 26, 35