

Woodchester Parish Council

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Minutes of the Meeting of the Highways and Rights of Way Committee held on 29th October, 2019 in the Undercroft Room at 10am

Present: Cllrs. Warnes and McNealey.

In attendance: Mr. Alan Bently, Principal Rights of Way Officer at Gloucestershire County Council, the clerk and ten members of the public.

2019/12 To receive apologies for absence.

Apologies were received from Cllrs. Hamilton and Dunbar.

2019/13 To receive declarations of interest in items on the agenda.

There were no declarations of interest in items on the agenda.

2019/14 To confirm the minutes of the Highways and Rights of Way Meeting on 4th September, 2019.

Due to unforeseen circumstances, Cllr. Hamilton was not able to attend the meeting. Therefore the meeting was not quorate and the minutes could not be confirmed as a true record. This will be done at the next meeting of the Highways and Rights of Way Committee.

2019/15 To receive clarification from Mr. Alan Bently, Principal Rights of Way Officer at Gloucestershire County on the process for a public bridleway creation order and to discuss issues raised by the Parish Council and residents on Gloucestershire County Council's proposal to create a bridleway along the current 'cycle path' from Dudbridge to Nailsworth.

Mr. Bently was welcomed to the meeting.

When considering Gloucestershire County Council's (GCC) proposal to create a bridleway from Dudbridge to Nailsworth, Woodchester Parish Council raised a number of concerns. Cllr. Warnes clarified that part of the reason for this strength of feeling is that for the residents of Woodchester, the 'cycle path' is considered an important part of the transport network in the village, and as such is widely used as a route to and from places, for commuting, to access the schools, Village Shop etc. and is far from being simply a recreational path.

Mr. Bently gave some background to this proposal. GCC were approached approximately ten years ago by representatives of the horse-riding society to seek permission to use the path. As a permissive path, GCC agreed to remove some barriers along the route to enable use by horses.

More recently GCC have discussed designating this permissive route, the majority of the land being owned by GCC. This would create more protection for users as the route would be subject to a legal process should GCC decide to sell off parts of the route for development. Although this would not provide certainty that the route would be kept in public use, it would limit the capacity of GCC for sale of land as any

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change to the route would need to be legally challenged. Designation would also mean that GCC would be under a legal obligation to maintain the route.

Mr. Bently outlined the types of designation and stated that a bridleway was considered by GCC to be the best option.

The process for a Bridleway Creation Order is twenty eight days public consultation. If there are objections raised by members of the public which cannot be resolved by GCC, the process would then be taken to the Secretary of State. This then involves substantial costs to GCC, the process being likely to take several months.

The issue of the very real risk to horses on roads was raised. Horse riding groups, particularly the Mid Cotswold Tracks and Trails group are actively campaigning for a better bridleway network. This is part of a national campaign to provide safe access to the countryside and is backed by the British Horse Society.

Mr. Bently argued that by designating the path as a bridleway, there would be very little change for users from the current situation where horse riders can use the permissive path. Several present said they had never seen a horse on the 'cycle path' and that by designating it as a bridleway more horse riders would potentially be attracted to use the route. A member of the public pointed out that current signage indicates the path is permissible by cycle or foot. Mr. Bently stated that when set up in the 1980s, its purpose was as a cycle path.

A member of the public questioned whether there was a requirement for a bridleway to be at least three metres wide. Mr. Bently clarified that this requirement only applied to new routes.

When asked whether the permissive route could be designated as a cycle path, Mr. Bently thought this was a different legal process, but agreed to look into it.

Mr. Bently was questioned about ownership of the land from Dudbridge to Nailsworth and whether it was all under the ownership of GCC. Mr. Bently confirmed that two sections of the track were in private ownership; the section at the Nailsworth end at Goldwater Springs and the section behind Renishaws. Legal rights will need to be agreed before GCC can proceed with a bridleway creation order.

Members of the public raised concern about the narrow stretches particularly behind Renishaw (where the passing places are already becoming overgrown), and from Birds Crossing to Station Road. Mr. Bently confirmed that maintenance would be improved if the path were designated.

A member of the public raised a point from the minutes of a Gloucestershire Local Access Forum meeting on the 7th June 2018, which stated that Mid Gloucestershire Tracks and Trails Group had offered £500 to begin the process of designation as a bridleway, suggesting that GCC were working closely with this group.

Mr. Bently explained that legislation allows for designation of a permissive path providing it has been in continual use for over 20 years. Anyone can apply for this designation providing they have evidence for use. Should this process be initiated, GCC would take the evidence to committee to look at the application in terms of intent,

history and current use and the local community would be involved through consultation. The application could be opposed, in which case the decision would be made by the Secretary of State. If opposed, the process can be long and costly. If GCC make the decision to shelve the proposal, the horse riding community could themselves seek a creation order.

A member of the public, concerned about the width in places, asked whether the path could be adapted by earthworks to remove the steep bank and clear trees to increase the width. Mr. Bently said that GCC were reluctant to carry out work of this nature as biodiversity would be affected.

A member of the public suggested the creation order only apply to the wider stretches of the path and not the whole length. Mr. Bently agreed to look into this and consider the implications.

Cattle grids were suggested to prevent horse riders using other parts of the track, but these would be expensive and potentially dangerous.

A member of the public raised concern at the state of the foot bridge between Paul's Rise and Birds Crossing. This had previously been raised as an issue by the Parish Council. Mr. Bently confirmed that an engineer had been out to assess the bridge and that repairs would be carried out as necessary.

Concerns were raised that horses using the track would pose a potential danger to other users including children and those in mobility scooters, particularly with the added danger of dogs loose on the track. Passing a horse from behind was also considered a potential problem with the narrow width of some sections. This could deter commuters from using the path and drive them onto the A46.

Concern was raised that public money was being spent to solve a problem which for the vast majority of users, does not exist.

Mr. Bently was asked whether certain groups had been consulted on the proposal. He confirmed that the South Cotswold Ramblers and the Cyclist's Touring Club were consultees. He was not clear whether Sustrans had been consulted; if not, they will be. Parish Councils along the route had been consulted and apart from Woodchester Parish Council, had no strong view.

Section 14 in GCC's Statement of Reasons for making a Public Path Creation Order stated, 'there are several fields adjacent to the track where horses are kept, with direct access to the track'. Mr. Bently confirmed that access rights from fields to the track were currently being agreed.

Should the creation order go ahead, it was agreed that users of the track would need to be educated to work together.

Mr. Bently stated that there were other similar examples locally where multi-use paths had been created and were working well. He agreed to provide examples of some of those.

Mr. Bently confirmed that the Mid Cotswold Tracks and Trails group had ridden the route a couple of years ago and reported that it was safe. It was suggested that this may be a biased study and that it may have been more useful for GCC to carry out a survey of safety for all users.

The resurfacing work currently underway near Nailsworth has been funded by GCC, SDC and a grant from the European Regional Development Fund. The new surface is much-improved and works for horses. The contractors are scheduled to finish the work up to the A46 by the 1st November. The contractors are doing their best to keep the route open during the resurfacing work, but it is proving difficult at times. Many people have been very positive about the improved surface.

Mr. Bently was asked why the work has been carried out near Nailsworth when the stretch north of Selsley Road was in a much worse state. Mr. Bently was unable to give an answer but went on to say that funding had now been secured to resurface the entire length between Dudbridge and Nailsworth (where required). Mr. Bently did not believe that funding for the resurfacing work was dependant on the designation as a bridleway.

Mr. Bently was asked to confirm the width of the resurfaced track and confirmed it was three metres where available and less if width did not allow for three metres. The Parish Council had previously been told the resurfaced path would be an average of three metres. This was no longer the case.

Mr. Bently gave clarification that maintenance vehicles will be able to drive on the new surface for access to the path, but that turning could damage the track.

When asked for a date for formal consultation on the bridleway creation order, Mr. Bently confirmed the process had been paused to consider a way forward and to take into account the concerns raised by the Parish Council.

As well as considering limiting the creation order to certain sections and looking into the process for designation as a cycle path, Mr. Bently agreed to look at replacing the gate in the layby on the A46, repair sections of the path which have been damaged by tree roots and look at the section north of Pauls Rise which is often flooded.

Mr. Bently was thanked for his time.

The meeting closed at 11.55am.

Chair..... Date.....

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