

Woodchester Parish Council

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Minutes of the Meeting of the Highways and Rights of Way Committee held on 4th September, 2019 in the Undercroft Room at 6pm

Present: Cllrs. Warnes, Dunbar, McNealey and Hamilton.

In attendance: The clerk and three members of the public.

2019/7 To receive apologies for absence.

There were no apologies for absence.

2019/8 To receive declarations of interest in items on the agenda.

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

2019/9 To confirm the minutes of the Highways and Rights of Way Meeting on 18th July, 2019.

These were agreed subject to a minor amendment and were signed as a true record by Cllr. Warnes at the Parish Council meeting on the 5th September, 2019.

2019/10 To discuss Gloucestershire County Council's proposal to create a bridleway along the current 'cycle path' from Dudbridge to Nailsworth under s.26 of the Highways Act 1980 and to agree recommendations to put to the Full Council.

Following the Highways and Rights of Way meeting held on the 18th July, a letter was submitted to Gloucestershire County Council (GCC) highlighting inaccuracies in their 'Statement of Reasons' and seeking clarification on a number of issues.

A response had been received which addressed some of the issues raised and provided some clarification.

Cllr. Warnes also met with Mr. Alan Bently, Principal Public Rights of Way Officer at GCC on 22nd August to walk the route and identify points of concern.

Referring to the bridge between Paul's Rise and Bird's Crossing, Mr. Bently has since informed the Parish Council that a Works Coordinator will 'have a look at the bridge with a view to replacing the decking and supports later this autumn'.

Cllr. Warnes had prepared a draft response to the consultation document. Councillors had several additional points to raise. It was agreed these be added and the clerk disseminate a draft to all Councillors for their approval at the Full Council meeting on the 5th September.

It was also agreed the clerk contact the other Parish Councils on the proposed route to gauge their opinion.

The clerk will also look into an online survey by Stroud District Council on the use of the 'cycle path' with an aim to clarify their involvement.

Cllr. Warnes agreed to write a piece on this issue for the next edition of the Woodchester Word.

Councillors also considered whether the local press should be made aware of the situation or an online survey be set up to gauge the views of local residents. These will be discussed by Full Council on the 5th September.

A copy of the final submission to GCC is attached.

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2019/11 **To receive comments from members of the public on items discussed at this meeting.**
A resident raised the issue of the need for all cyclists to warn other users of their presence on the 'cycle path' and to cycle at a speed where safety can be maintained.

The meeting closed at 7.10pm.

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

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10 September 2019

Dear Ms. Tyler,

The Parish Council thank you for the opportunity to comment on Gloucestershire County Council's proposal to create a bridleway along the 'cycle path' from Dudbridge to Nailsworth.

We refer to your document, 'Gloucestershire County Council's Statement of Reasons for making a Public Path Creation Order – Highways Act 1980 – Section 26, Wildlife and Countryside Act 1981- Section 53A(2), Gloucestershire County Council (Public Bridleway Creation Order), received on the 9th July.

We have also taken into account the guidance contained in the Advice Note issued by the Rambler's Association in February 2018 on 'Shared Use of footpaths with cyclists (England)', which provides a useful summary of the legal, consultative and order making procedures to be followed in converting footpaths and /or cycle tracks to bridleways.

One mile of the 3.12 miles (32%) of the track lies within the parish of Woodchester, with housing in Rooksmoor and Woodchester clustered on both sides.

The very successful mountain bike trails opposite Rooksmoor Mills were a Woodchester initiative proving to be an asset to the local community and the wider area.

Woodchester Parish Council has grave concerns over this proposal and the process being used.

The Process

The document originally issued for consultation was at best misleading and at worst grossly inaccurate. It was prepared from maps and a lobby group survey without an onsite survey or visit. It

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seems questionable to consult a lobby group before Parish Councils who are representing ordinary users.

On 24th July the Parish Council responded in writing, correcting errors in the document and asking for clarification on several points.

The document has not been reissued so the assumption is that other town and parish councils (and any other consultees) have responded to this misleading and inaccurate document. Therefore, we must assume that this same misleading and inaccurate document will be the one that goes to the Secretary of State, for the bridleway to be approved. Is this the intention of Gloucestershire County Council or will the document be corrected and the consultation restarted?

The errors related to widths of track being measured from perimeter fences rather than usable widths, giving a very misleading view, a missing road crossing on a relatively busy route with questionable visibility etc.

The Parish Council question whether a risk-assessment would be the usual procedure in the designation of a public right of way. We are concerned that no such assessment has been carried out in this case. Should an accident occur at one of the very narrow sections, we question whether negligence by Gloucestershire County Council could possibly be proven without such an assessment.

The Parish Council are disappointed that there has been no survey of current use, nor any clear process of evaluation (as mentioned in the Rambler's Association advice note), to demonstrate just how many and what type of users will be affected by the addition of horses on the track.

We also ask whether a public consultation is required in the future as part of this process. We assume the public will have the statutory 28 day period to respond from the date of publication of the planning notice in the local press. We would seek clarification as to how GCC Highways proposes to deal with any objections that may arise, following the period of consultation.

The Proposal

1. Nature of the current track.

Although the track passes through rural areas it is not like a rural path with very little usage. In fact, its usage equates more to an urban path used for commuting to work, shops etc. with the addition of dog walkers, leisure cyclists and pedestrians. It is regularly used by school children both on foot and on bicycles. It is very well used at all times of the day with different activities predominating at different times. Increased use of the track by horses would lead to potential dangers and be contrary to section 11 (1) and (2) in the Statement of Reasons for making a Public Path Creation Order.

2. The width of the current track.

The track is very narrow in parts, barely 1.5 metres, contrary to statement 4, 'recorded width between 2 metres and 8 metres'.

A section near Friggs Mill is narrow as it is notably overgrown. Likewise, the section between Birds Crossing and Station Road is narrowed by being between a wall and slope on one side and a constantly encroaching hawthorn and bramble hedge on the other. We have particular concerns over the narrow section at Giddynapp as it is between a steep slope and spiked metal railings. Passing places have been excavated in this stretch – they are inadequate as they are not obvious

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from one to the other, not marked as such and already overgrown. Parts of this track are scarcely 1.5m wide which is the width of a horse and rider.

Woodchester Parish Council request that testing is done on these stretches to confirm that other users can meet and pass or overtake horses.

3. Safety of users

We are concerned about the safety of users. Of the users likely to meet in a narrow section very few have a 'reverse gear'. Pedestrians are the best placed to be accommodating and that is usually how it works. Cyclists and horses will find passing difficult. Users at a low height such as babies and toddlers in pushchairs or small children learning to ride their bikes could be at risk. We note that more and more people with mobility scooters are using the track – they have limited options for getting out of the way and an accident could be attended with serious consequences.

Section 6.2.2.1 of the Rights of Way Improvement Plan emphasises the provision of PROW to provide, 'safe, traffic-free routes to school'. The section of the current track from Giddynap to Dudbridge is used regularly by a large number of parents and children to access Woodchester Endowed School and St. Dominic's School both on foot and by bicycle. The Parish Council believe that the addition of horses would make those routes to school 'less safe'.

4. Inadequate preparation

Insufficient consideration has been given to widening the track where it would be possible ie by removing strategic trees and vegetation and by levelling ground.

The new resurfacing is only applying to approximately a third of the rough track and not the width quoted in the document (point 4, page 2) – the other two thirds stretch at the northern end is in a worse condition but not being touched. The edge of the resurfaced area could in itself be a risk to users specifically runners if they are forced off the track by other users.

5. Conflicting landuses along route

Insufficient consideration has been given to the proximity of industrial areas where sudden noises can startle a pedestrian never mind a horse. One of these is adjacent to the stretch with metal railings.

6. Effect on current users of the track

While many reasons have been put forward on how much this change would benefit horse riders, no consideration has been given to existing users and how they would be disadvantaged.

Section 11 of your Statement of Reasons states, 'the highway authority must have regard to...the extent to which the path would add to the convenience or enjoyment of a substantial section of the public'. The designation of a bridleway will benefit a very small minority of the public.

It goes on to state that, 'the highway authority must have regard to the convenience of persons resident in the area'. The addition of horses on the track can only be detrimental to persons resident in the area (apart from the small minority of horse riders).

It is claimed that cyclists' rights will be enhanced by this change. This is not the case. It is true that if the track becomes a public right of way, access will be available except in controlled circumstances. However, as this track has been signed as a cycle and pedestrian route for well over 20 years, we believe it would be difficult for GCC to deny that it has not become 'de facto' a cycle and pedestrian route. A cyclist currently using the track has equal rights with other users and

this would be the case on a multi-use track. However, on a bridleway, a cyclist is required to give way to other users therefore cyclists rights have been reduced.

Currently, there are barriers at access points. If these are removed, it will be possible for motor vehicles to move onto the track at any time and without warning causing a danger to legitimate users.

7. 'Mission creep'

The only legal access to the track for horses is via roads. No consideration has been given to parking facilities for horse boxes and no reassurance given on 'mission creep'. We do not want to find ourselves consulted at a later date on access footpaths in the area becoming bridleways.

Other paths eg. the Camel Trail and the Monsal trail are held up as working examples. These are both more open and are multi-use tracks whereas Dudbridge to Nailsworth is overgrown with trees and proposed to be a bridleway. How can they be compared?

The Parish Council are very aware that horse riders put themselves and their animals at risk when riding on local roads, but believe that creating a bridleway from Nailsworth to Dudbridge is not an appropriate alternative. The only access for horses is via a road, there is very limited parking for a horse box at either end, and the Parish Council are of the belief that at best this will have a detrimental effect on current users, and at worst could lead to a potential accident, particularly at the very narrow sections and those where sight lines are poor.

We also understand that currently this track has no designation and that this has led to difficulties with responsibility for maintenance (as stated in points 2 and 12 of your document).

In light of our concerns and the need by yourselves to formulate a maintenance plan, the Parish Council asks that Gloucestershire County Council reconsider their proposal and instead consider designation as a 'cycle path' which we understand is possible under the Cycle Paths Act 1984.

We look forward to hearing from you in due course.

Yours sincerely,

Dr. Gervase Hamilton
Chair, Woodchester Parish Council

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