

Parish Council Meeting 13th September 2023

Footpath Officers Report

Following my presentation at the last PC meeting in July, it will be recalled that I intended to present for approval a stepped plan for the improvement of our footpaths tonight. At the request of Carol, our Chair, who envisaged a busier than normal meeting, this has now been postponed until next month.

In the meantime, I have had a number of complaints about the poor condition of this path, which runs from the A4110 immediately south of Luctonians, and onward to Hereford Lane. It was while investigating this issue it was clear that the footpath running through Broadleaf Farm/Acorn Cottage is very overgrown, with stiles in a very poor condition. The landowner has been approached previously to make improvements.

Engaging with HC Enforcement Officer I discovered that route of the footpath had been moved previously, some considerable time ago, without it would seem, due process. In accordance with section 119 of the Highways Act 1980 footpaths can only be diverted after extensive consultation and after the person requesting the move paying the requisite fee.

It would appear, although I have seen no evidence of this, that the landowner was verbally given permission to reroute the path as long ago as 1994 by the then HC footpath officer. This 'advice' had no force in law. HC have since stated they intend to make this change legal and 'honour' the footpath officer's decision at the time, paying the fee necessary from HC funds.

I subsequently challenged their right to arbitrarily make this change legal in retrospect, but did not receive any satisfactory reply.

This effectively means that no public consultation, about the re-routing of the path, has taken place. Personally, in some respects, I am sympathetic to the landowners' plight, I would not be keen to have walkers traipsing through my own garden and diverting them around the edge of it would seem like a pragmatic solution.

My view, which I made clear to the EO, is that were the landowner to keep the rerouted footpath walkable then there would be little point in trying to reverse the decision made three decades ago. I asked him to visit the landowner to discuss the matter.

I invited the EOs Line Manager to tonight's meeting to discuss this matter, and the re-routed FP, further but no one was available.

Given the finite options open to the PC the next steps are limited, and I would like a decision on how to proceed:

Option 1. Challenge HC decision to legally reroute the FP without consultation and while using public money. This could take a considerable time and no little effort.

Option 2. Accept the status quo and use the precept to maintain this FP, subject to the permission of the landowner.

This precedent has already been set given that the PC has previously paid for another footpath to be kept clear after a route had been fenced off. Personally, I do not have the appetite to go into battle with HC over an historic rerouting of a footpath, although I will do so should that be the wish of the PC.

The precedence has already been set in respect of the PC paying, via the precept, to keep certain FPs open.

If it is decided that this the course to take it will probably mean two things. Firstly, that we would be limited on which footpaths we maintain and, secondly, a possible up lift in funding may be required from the precept for us to do so.

Given that FPs have had an annual allocation of £2.5k in recent years with, it would seem, very little of it actually being spent this year, I don't envisage an increase in the immediate future.

Afternote:

Option 2 with a possible uplift of funding agreed.