

Agenda Item 9

MID LINCOLNSHIRE LOCAL ACCESS FORUM – 19 JULY 2016

REPORT OF THE CHAIRMAN CHRIS PADLEY

Footpath 171 Kirkby on Bain

DISCUSSION DOCUMENT:

LINCOLNSHIRE COUNTY COUNCIL POLICY ON OBSTRUCTED PATHS and
EXAMPLE OF KIRKBY ON BAIN FOOTPATH 171

This footpath runs partly across and alongside fields, but also crosses a garden and a small field for which planning permission has been given for a house and garden. For reasons which were not obvious it has not been maintained or signposted for many years. In response to an enquiry the county council footpath officer stated that it was a category 3 path with an obstruction on it. As such it was policy not to waste resources maintaining the path until the obstruction is solved, and not to signpost the path as this misleads the public into using a path which they are not able to get through. However, the officer also reports that the physical problems to this path are slight and could easily be put right if it was desired to do so.

Increased concern has arisen over this because one of the small fields crossed by the path has recently had planning permission granted to build a single house, and the path will cross the house's garden at angle. No provision for the path has been made in the planning consents so far, and the planning authority does not appear to be interested in it. This type of situation frequently results in long lasting conflict and long term loss of availability of a path. A planning application and consent should be seen as an opportunity to resolve path problems and improve the network for both users and the householders who have, or will have, paths crossing their land. If a path is ignored, the opposite happens and an unsatisfactory situation becomes worse.

Fellow LAF member Colin Smith and I recently inspected the route. We can confirm that the practical problems on the path are slight. The only significant problem is the missing bridge, but this is over an ordinary field ditch, only, and not a major obstruction. Apart from that the path only requires minor brush clearance to be easily usable.

This case raises several issues which are important not only for this footpath, but as examples of ones that apply to many others and present a general question of policy.

As regards this path:

1. It does not in fact present any great problem in being made available to the public.
2. It would be useful if put in order.
3. The impending development makes it important to avoid the misleading impression given that the path can be ignored in the development process. This impression is bound to be given by neglecting to enforce the law, to maintain it, or to signpost it for many years, as has happened.

For both the above reasons, basic reinstatement should be regarded as urgent. We have been asked to inform the authority that a local person is offering to assist the funding for a new bridge up to the sum of £500. However, we should also consider the wider policies this path raises as an example of the working of a policy. These are:

Users are sent confusing messages when legal routes shown on maps cannot be found on the ground. Where it really is impossible to keep a path open, better ways of managing the path need to be found.

The problem of misleading landowners and developers, who usually do not understand the law of rights of way, is general. There has been enormous cost to the highway authority over the years in trying to sort out situations caused by neglect of paths, and the false impression it gives to land owners. A more robust policy in asserting paths in the long term, before any development is in the offing, would save money in the long run.

Even partly obstructed paths can be of use as out-and-back walking routes, and much walking is of this kind for dog-walking, blackberrying, bird watching etc. Valuable as through routes are, we should not dismiss a path just because it cannot be used as such.