

Cross Lane Footpath Improvements

Introduction

For many years the safety of pedestrians and cyclists, with regard to Cross Lane and their safe access to facilities in Axbridge, has been an issue.

There have been a number of reviews but no positive action either by the Parish Council or County Council.

The Cheddar Area Local Plan (1992) identified pedestrian safety as being in need of upgrading and a budgetary sum was allocated by Somerset CC. Until November 2001, improvements to pedestrian facilities at Cross Lane were included in the Local Transport Plan. No improvements were made and financial constraints were given as the reason for removing this project off the LTP schedule.

Background

The footpath from Axbridge to Compton Bishop has been in use since before horse drawn carriages. The peak usage would have been around since 1830 when the Union Workhouse was established. The workhouse was part of the Compton Bishop Parish until 1897 when parts of Compton Bishop and Cheddar were transferred to Axbridge.

This footpath was, in its time, said to be known as Coffin Lane because the dead would be carried, in their coffins to the Compton Bishop Churchyard.

The path enters the field of Townsend Farm at the eastern end of Cross Lane and runs adjacent to the northern boundary hedge. At the western end of this field a gate separates Townsend Farm with the field now belonging to Moorland Farm. A short distance along this field the footpath turns north and joins the A371, Cross Lane where there is no footpath.

The previous owner of the Moorland Farm field was The Compton Bishop Estate and the manager recognised the danger to pedestrians, who had to use a busy section of the A371 to reach Cross Village, and made this field available to the general public. A stile was provided opposite Manor Farm (Now The Old Manor House) to the west of the existing gate and was in use for many years before the sale of the land in 2001 to Mr Scott who, sometime later, stopped public access.

Current planning policies have designated Axbridge as a 'Key Rural Settlement' providing facilities such as shops, surgeries, infant school and post office, which no longer exist in neighbouring rural settlements. Access to this Key Rural Settlement was intended to be available by sustainable transport, such as walking and cycling, as well as vehicular access.

Vehicular access is provided by the A371, Cross Lane. Safe pedestrian and cycle access is not available although a public footpath (AX1/22) in an adjacent field is available for some of the distance.

In 2009/2010 the Parish Council attempted to have improvements scheduled by Somerset County Council. Although meetings took place no progress was made.

The Parish Council has approached Somerset County Council for improvements to the footpath on a number of occasions. A site meeting was held on 21st October 2009 (see the meeting record - attachment 1) which has received attention but no action.

Objective

Compton Bishop Parish Council has previously stated its objective with regard to improving the non-vehicular access to/from Axbridge:

1. Provide safe pedestrian access between Cross and Axbridge.
2. Provide a safe cycle way between Cross and Axbridge to encourage sustainable transport between Cross, Axbridge and Weare.
3. Encourage walking between Cross and Axbridge.
4. Enable the linking of Cross to the wider cycleway network in the Cheddar Valley and North Somerset.

Position/location

The footpath and cycleway should, if safe and possible, incorporate existing foot-paths :

- The pavement at the A38 end of Cross Lane and on the A38
- The verge from the A38 pavement to the entrance to Mr Lukens field opposite Southcroft Farm.
- The footway AX1/22, on Mr Lukins Field which runs adjacent to the A371, Cross Lane and exiting opposite Townsend Farm, Axbridge.

Project Scope

- Identify the options for safe pedestrian access between Cross and Axbridge
- Identify the possibilities of incorporating a cycle way and bridle-way in the pedestrian access options
- The footpath and cycle way is to be constructed in compliance with current regulations regarding shared footpaths and cycle ways (i.e. width, material, construction and safety)
- The new footpath and cycle way is to be funded by Somerset County Council, Sedgemoor District Council, grants and voluntary contributions.
- Ownership, on-going costs and responsibilities are to be agreed with the relevant authorities, i.e. Compton Bishop Parish Council, Axbridge Town Council, Sedgemoor DC, Somerset CC, etc. and landowners. The following on-going costs and responsibilities are to be agreed :
 - maintenance of surfaces
 - maintenance of fencing
 - maintenance of hedging
 - waste and/or dog waste bins
 - insurance

ISSUES

- One unresolved issue is the height and position of the current signs on the verge which are a hazard to pedestrians. The present guidelines are that "Situation posts, lamp columns and railings have to be set back 450mm from the kerb face to allow for the overhang of vehicles which could otherwise damage the post etc. If the sign overhangs the cycle track its lowest edge should be at least 2.3 m and preferably 2.4m above the surface."
- The Cycle-way/footpath would need to be 2 metres wide.
- Cycling on a footpath is not permitted as the legal status would have to be changed under the Cycle Track Act 1984.
- Chris Luken was not keen on surface dressing the footpath/cycleway
- If farmland were to be acquired there could be grounds for compensation against the cost of grazing land, current prices are over £1,000 pa rental per acre for pasture.
- As a guide - the enhancement to the Brent Knoll footpath was £12,000.

- Some form of maintenance, hedge cutting, policing and rubbish removal would be required.

Construction

A footpath and cycle way has to be constructed in compliance with current regulations regarding shared footpaths and cycle ways (i.e. width, material, construction and safety). The new footpath and cycle way could be funded by grants and voluntary contributions. Ownership, on-going costs and responsibilities would have to be agreed with the relevant authorities, i.e. Compton Bishop Parish Council, Axbridge Town Council, Sedgemoor DC, Somerset CC, etc. and landowners for :

- maintenance of surfaces
- maintenance of fencing
- maintenance of hedging
- supplying and emptying waste / dog waste bins
- insurance

Examples of need :-

1. There is no footpath or satisfactory verge at the west end of Cross Lane. Pedestrians have to walk in the road to gain access to the definitive path.
2. The existing definitive path crosses a field and is not a suitable all-weather path.
3. Cross Lane has a very heavy industrial traffic making it a hazardous pedestrian route.
4. No shop or post office in Cross, Compton Bishop or Lower Weare. Axbridge provides the nearest facilities.
5. Postman/Newspaper delivery/ paper boy use Cross Lane on bicycles
6. Nearest State Nursery is in Axbridge
7. There is no free school transport therefore encouraging safe cycling would be healthier and economical.
8. Would provide a healthy alternative to using a car for short journeys to the nearest shops and Chemist (in Axbridge).

Relevant information

The Countryside and Rights of Way Act 2000

This act introduced a cut-off date, whereby after 25 years (i.e. in 2026) all rights of way already in existence in 1949 and not recorded on the definitive map and statement by 2026 would be extinguished, subject to the exceptions already provided for in the Act. In practice this means that a right of way that could be shown to have existed before 1 January 1949 could not be added to the definitive map and statement (the local authority's legal record of public rights of way) and would cease to exist. The intention was that this would:

- remove uncertainty for landowners, who might otherwise have a 'lost' right of way discovered on their land at any point in the future;
- provide an incentive to complete the definitive map and statement before the 2026 deadline.

Improvements to the policy and legal framework for public rights of way

In May 2012, DEFRA launched a public consultation on "Improvements to the policy and legal framework for public rights of way".

Compton Bishop Parish Council (CBPC) reviewed DEFRA's document "Improvements to the policy and legal framework for public rights of way" and Natural England's 2010 document "Stepping Forward". CBPC concluded that these policies and legal frameworks did not materially affect this parish and their role in maintaining PROW's and CROW's.

However, it is recognised that at least one 'unofficial' footpath, which has been used for many years may be a candidate for investigation and possible registration prior to the 2026 deadline.

CBPC has agreed that the footpath known as 'Coffin Lane' should be investigated and, if applicable, registered as a PROW.

The following are pertinent extracts of the DEFRA consultation document which has been presented to CBPC Councillors. Note that item numbers, below, refer to sections within the report.

Document : **Improvements to the policy and legal framework for public rights of way - A public consultation - May 2012**

Why is change needed?

The 1949 National Parks & Access to the Countryside Act introduced the definitive map and statement of public rights of way. The aim was for local authorities to create a legal record of all public rights of way (except for those that were part of the 'ordinary roads' network) to ensure that they were not "lost for ever".

Although it was originally envisaged that this process would be completed within five years or so, completion of the legal record of historical rights of way (those that came into existence before 1949) has remained a significant challenge, despite several subsequent attempts to improve the legislative framework.

To resolve this, the Countryside and Rights of Way Act 2000 introduced a cut-off date⁹, whereby after 25 years (i.e. in 2026) all rights of way already in existence in 1949 and not recorded on the definitive map and statement by 2026 would be extinguished, subject to the exceptions already provided for in the Act. In practice this means that a right of way that could be shown to have existed before 1 January 1949 could not be added to the definitive map and statement (the local authority's legal record of public rights of way) and would cease to exist. The intention was that this would:

- *remove uncertainty for landowners, who might otherwise have a 'lost' right of way discovered on their land at any point in the future;*
- *provide an incentive to complete the definitive map and statement before the 2026 deadline.*

3. Many unrecorded historical rights of way are already key links in the off-road network of paths and tracks, which are used on a daily basis by local communities and the wider public – they are not all undiscovered, obscure or unused as is often thought to be the case. Others have the potential to be useful routes, even though they are currently not available on the ground. If not recorded by the cut-off date they would be lost to the public for ever.

4.2 Rights of way for which evidence can be produced to show that they were in regular, continuous use at the time of the cut-off date should be preserved. This is the essence of Proposal 26, which is intended to address the fact that the 'cut-off' date provisions, as currently framed, indiscriminately extinguish all unrecorded rights of way; they do not distinguish between those that are obscure and unused and those that are in current, regular use. Proposal 26 goes on to stipulate that it should not be possible to enable rights to be preserved, over and above those for which there was evidence of use. In other words, it should not be possible to use pre-1949 documentary evidence after the 'cut-off' to claim that the status of the route is of higher status than that for which there was recent user evidence.

5.3 "It should be the surveying authority and not the applicant that approaches landowners – and then only if the application passes the Basic Evidential Test¹³. The authority should informally explain at an early stage the process and how the case will be dealt with". (Proposal 5). The intention with this proposal is to avoid the potential for conflict by making the current process¹⁴ less adversarial in nature. It aims to promote constructive dialogue between local authorities and landowners over potential rights of way at an early stage, as opposed to an applicant effectively 'serving notice' on a landowner. It would also avoid needless contention or concern resulting from owners being approached with insubstantial claims. We agree that this should result in fewer applications escalating into costly disputes and would reduce the risk that routes that are not rights of way coming into public use as a consequence of being claimed as such.

Mitigating any adverse effects of previously undiscovered rights of way

7. There are a small but significant number of cases where rights of way are discovered that have been unused for many years or perhaps never used, but for which clear documentary evidence exists. Such rights may well conflict with current land uses and in some cases with important nature conservation designations. Current procedures for recording rights of way on the definitive map and statement do not allow any considerations other than the existence of the right of way to be taken into account.

"A surveying authority should be able to make an agreement with one or more affected landowners recognising the existence of a previously unrecorded pre-1949 right of way, but allowing it to be recorded with appropriate modifications on the definitive map and statement, where justified to avoid significant conflicts with current land use. This power should be subject to the public interest protections mentioned later in this report". (Proposal 6).

"It should not be possible for objections to block an agreement between the surveying authority and the landowner about the recording of rights, although the surveying authority should be required to have due regard to representations about the proposed agreement or the status of the route". (Proposal 7).

'Paths for Communities' (P4C) – Natural England

Paths for Communities is a funding scheme set up to develop and enhance the network of Public Rights of

Way (PROW) in England in order to deliver benefits to rural areas. Local community partnerships are eligible to bid to Natural England for funds.

The aim of P4C is to encourage and support local communities to work with land owners to make improvements to the network of Public Rights of Way. In all cases P4C projects must include some element of new Public Right of Way creation. In most cases projects will include an element of new Bridleway creation but projects that include Footpath creation alone will also be considered where community and economic benefit can be demonstrated. P4C will operate over the 2 year period from May 2012 to March 2014, with a total fund of £2m.

Attachments :

1. Meeting record (on site) – SCC Highways/Compton Bishop PC
2. Paths for Communities – Application Handbook (Natural England)
3. Cross Lane Layout

Attachment 1 - Meeting record (on site) – SCC Highways/Compton Bishop PC



Communication Record

Person Spoken To:	Eddie Farley (EF) James Warner (JW) Richard Parker (RP)	Date & Time: 21/10/09 11:00am
Representing:	Compton Bishop Parish Council	Telephone No:
This is a record of:		
Telephone conversation	Meeting X	File Note
Visit		
Subject: Request for footway along south side of Cross Lane.	SCC Representative: Dan Martin (DM) Lydia Howarth (LH)	
<p>Details:</p> <p>The Parish Council's objective is to have a footway that is of a good standard that links Cross and Axbridge.</p> <p>Potential options discussed:</p> <ul style="list-style-type: none"> • Footway along the south side of Cross Lane along the verge from the corner of A38 to RoW entrance into field • Acquire land from landowner to position footway within field and join the RoW further along (DM advised this would involve high costs) • Combined footway/cycleway along one of these routes <p>DM informed that a footway should be 1.8m wide (urban) but 1.2m may be acceptable as local considerations are taken into account. Shared use footway/cycleway should be at least 2m.</p> <p>DM explained that schemes not safety related need scorecarding. DM then described how the scorecarding process works. DM stated that rural footways generally do not score particularly well in this process. We have raised this with the DfT and the hope is LTP3 will be orientated more to local priorities. DM explained that a contribution from other sources can help improved a schemes value for money rating and likelihood of receiving LTP money. EF raised aggregate money as an option for funding.</p> <p>EF raised the issue of, was it worth the Neighbourhood Watch mounting a petition to see if residents have similar opinions to the Parish Council. DM stated that this has been used by other communities to highlight locally important schemes.</p> <p>EF asked the question, what do we need to do? DM responded saying that we need to scorecard the proposed scheme to assess the likelihood of the scheme receiving LTP funding. Schemes that do not score sufficiently to be included in our programme are retained on a list of 'candidate schemes' for possible inclusion in the programme in the future. This list is also available to our Highways Development Control Team who can look to secure highways works through adjacent developments. DM stated that as Highway Authority we are only a consultee in the planning process. Any highways works requested must be based on the impact of the development on the highway network.</p> <p>On walking down the side of the highway along the position of the proposed footway it was noted the height of the signs, pipes, BT and other obstructions. A ditch was also noted and a barn situated behind the hedge. DM agreed to discuss the possibility of raising/relocating the existing signs in the verge to aid pedestrians currently using this route.</p> <p>The existing RoW was then discussed and options for a surface. DM explained that a bound surface in a rural location is often unpopular. It would also be likely that it would need to become highways for maintenance. Other RoW around the county have been improved with compacted stone surfaces or similar. This is more inkeeping with rural settings. If the path is to be used by cyclists one method would be to convert the Footpath to a Bridleway. This would also permit use by horseriders. Another alternative to convert the legal status of the footpath to allow just pedestrians and cyclists is the Cycle Track Act. DM can discuss with RoW team to provide</p>		

further details.

With regard to works on the highway DM explained that schemes are required to have a Road Safety Audit. This audit, including site inspections, is undertaken by engineers specialising in highway safety. It is important that any scheme meets the required technical and safety standards. This would have implications for the existing highway kerbing which is currently full batter kerbs. To provide a footway it is very likely that these would need to be replaced with a more appropriate type to protect against errant vehicles.

The Cross Junction

The Parish Council have put together a report of their suggestions for addressing the collisions at this junction which they will forward to the County Council once the other Parish Councils in the group have approved the plans.

Actions Required: DM/LH to check ownership of footway on the corner of the A38/south side Cross Lane.
(DM can confirm this is highway)
DM to provide EF with a link to Highways website to report other outstanding issues.
https://secure1.somerset.gov.uk/forms/ShowForm.asp?fm_fid=95
RP to send A3 copies of plan to DM (received 23/10/09)
DM to discuss signing position in verge with Area Highways

Record Created By: Lydia Howarth

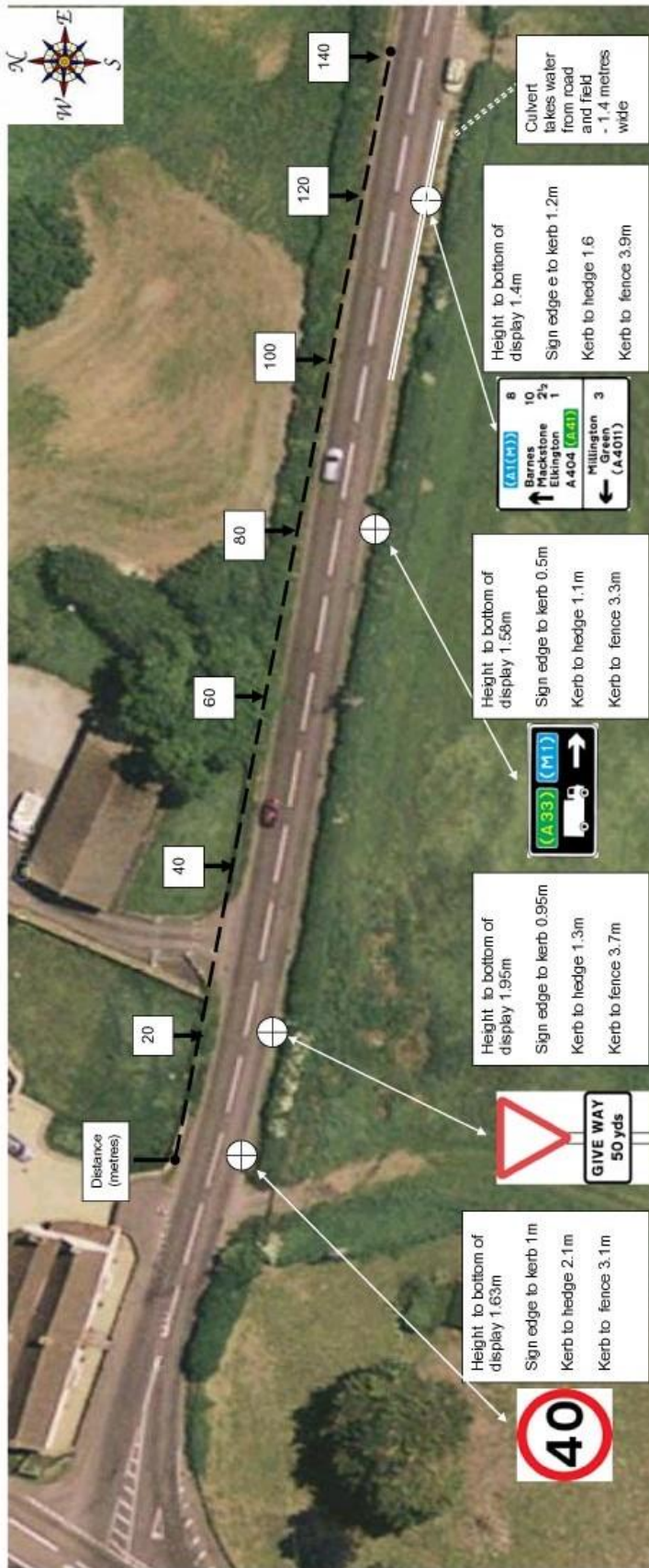
Signed:

Distribute To: Attendees

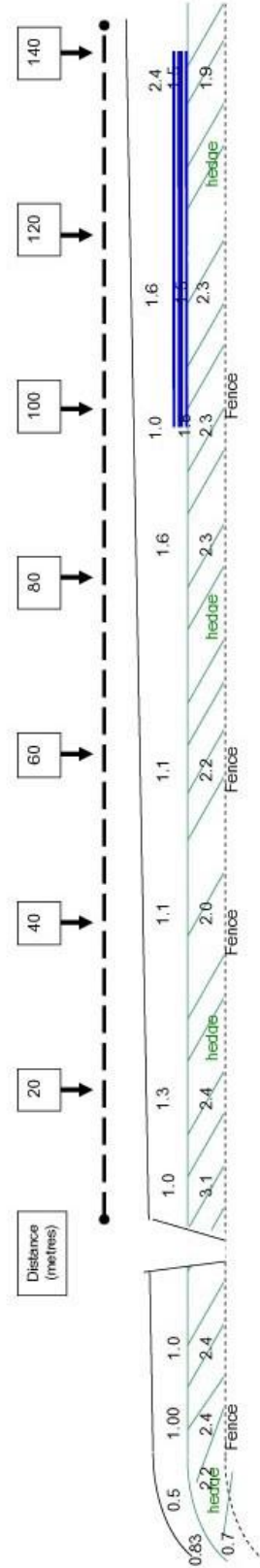
Copy To:

File Reference: 345641

Cross Lane and Access to Footpath AX 1/22



Schematic of footpath, verge and hedge



Attachment 2 (sample page)

Paths for Communities:

Applicant Handbook v3 12th Feb '13 Paths for Communities: Applicant Handbook 1

This Applicant Handbook gives detailed advice on the P4C scheme. The scheme requirements, terms and conditions set out in this Handbook will form part of any agreement entered into between the applicant and Natural England.

Introduction – What is Paths for Communities (P4C)?:

i P4C is a funding scheme set up to develop and enhance the public rights of way (PROW) network in order to deliver benefits to rural areas. Local community partnerships are eligible to bid to Natural England for funds which have been made available from the Rural Development Programme for England (RDPE)¹ and is governed by European Council Regulation 1698/2005, Commission Regulation 1974/2006, Commission Regulation 65/2011, all as may be amended from time to time. UK Statutory Instruments 2007/75 and 2011/1433 also apply to how the scheme is administered and enforced.

ii P4C funding comes from RDPE Axis 3, Measure 321 Basic Services for the economy and rural population. The objective of the funding is to *improve or maintain the living conditions and welfare of those living in rural areas and to increase the attractiveness of such areas through the provision of more and better basic services for the economy and the rural population.*

iii P4C will achieve this by encouraging and supporting local communities to work with land owners to make improvements to the network of PROW; a partnership between the land owner/ manager and the local community.

iv In all cases P4C projects must include some element of new PROW creation. P4C would like to especially encourage the creation of multi-user routes. Successful bids will in most cases be projects that will include an element of new Bridleway or Restricted Byway creation, but projects that include Footpath creation will also be considered where community and economic benefit can be demonstrated.

v Successful projects may also include:

- o Improvements to existing PROW that encourage use by a wider range of people with different needs (e.g. improved accessibility for wheelchairs and pushchairs, benches for elderly);
- o Improvements to the network to increase the opportunity for access on foot, cycle or horse and to widen the appeal to visitors and residents;
- o Promotion of the improved network to encourage more use of and better support for local services such as shops, pubs, hotels, bed and breakfasts, attractions and cycle and equestrian businesses;
- o Better integration with public transport services and popular destinations.

vi P4C will operate over the 2 year period from May 2012 to March 2014, with a total fund of £2m.

vii There will be a rolling programme for receiving applications and offering of grants, but all offers have to be made and accepted by 31st December 2013, and all funded work completed and claims received by 28th February 2014.

viii Please be aware that this is a prior approval scheme. You must not start work, commit to buying, ordering or making a deposit on any items specifically related to your grant application until you have received and accepted a P4C Agreement. Otherwise we will not be able to pay your grant.

The full document can be viewed at : www.naturalengland.org.uk/ourwork/access/rightsofway/p4c.aspx