

GRIMSTON PARISH COUNCIL
Public Rights of Way Committee
Wednesday 7 July 2021 at Grimston Village Hall at 7.30pm

Present: Cllrs J Barnicoat, M Boldero, P Coleman, M Pitcher, Mrs M Roper (Footpath Warden), Clerk and 7 Members of the public

Apologies: Cllr de Whalley

21.01 APPOINTMENT OF COMMITTEE CHAIRMAN

- **Resolved to appoint Cllr J Barnicoat as Chairman**

21.02 FREQUENCY AND SCHEDULE OF MEETINGS

- *Resolved to meet once a month for the time being*

21.03 PHILIP RUDD COURT LINK TO FP8

The Committee noted the legal advice from NCC.

Usage Claim: The houses and estate road of Philip Rudd Court may have been built 20 years ago but newly built roads such as these have to undergo a process known as Section 38 adoption before its maintenance is transferred to Norfolk County Council and formally becomes public highway. Philip Rudd Court was not officially adopted as public highway until 4th October 2007. This is relevant in the matter of making a modification application for a footpath because the route has to connect from one public highway to another, therefore the 20-year period over which public rights can be established is not able to start until 2007. NCC need to see at least 20 years of legitimate use to meet the criteria set out in S31 of the Highways Act and there was currently not a 20-year period over which public footpath rights have been able to be established.

Action: Clerk to seek independent legal advice to corroborate NCC view

Common Law: NCC looked at adoption under Common Law and concluded that there would be little chance. Whilst the plans showed a link was planned between the estate road and public footpath it only shows an intention to do so. For Common Law dedication to be successful the developer would have needed to set out a route or signed the way on the ground itself, rather than the public establishing the route themselves. This is to say it must be shown that it can be inferred from the landowner's conduct that he meant to dedicate the route as a public footpath, and it cannot be said that this is the case here.

Action: Cllr Pitcher to look at Common Law case law

Application: The Committee discussed the Planning Officer' advice that it appeared likely the application would be refused, but it was possible that the applicant could reapply or go to appeal. Residents asked why the land had not been adopted by the Borough Council. It was understood that there had been a disagreement over costs and the adoption did not take place.

Action: Clerk to collate letters/emails from the residents of Philip Rudd Court requesting support to retain their amenity area.

Action: Clerk to send a letter to the Borough Council to ask, if it could be arranged, if the Borough Council would consider adopting the open space as planned.

It was reported to residents that at Borough Cllr. De Whalley's request the large oak tree now had a preservation order as well as two smaller oaks at the front of the property.

21.04 CURRENT RIGHTS OF WAY - INSPECTION

The Committee looked at the table produced in 2019 following former Cllr Willis' annual inspection of the PROWs.

- **Resolved that an inspection of all the PROW would be undertaken by the Committee, the Chairman would coordinate the routes**

Fault Reports

Footpath 20: Dr Clifton reported a missing Finger Post at the start of the footpath off Elder Lane. There was a discussion about Footpath 20 and the issue that the County Road ended before the footpath began, the owner of that section of road was unknown. This matter would be explored further at the next meeting.

Footpath 10: Mrs Roper reported that the path always required trimming as this was not done by NCC until the Autumn. The Clerk confirmed that NCC would only trim in the summer if the footpaths were impassable.

Maintenance: The Clerk reported that the Council had involved the Gaywood Valley Conservation Volunteers in previous years to help maintain the footpaths, although this had been in the summer, perhaps this could be planned earlier in the year. The Chairman said that he would be happy to trim back some of the vegetation on FP10 to clear the path.

Fault Reporting: In general, this should be done directly using Highways online system, if signed in all reports were acknowledged and updated. It would be helpful if the Clerk could be informed when reports were made and then an eye could keep on progress. In addition, Mrs Roper's contact details were in the back of the Village Link if it was difficult to make an online report. <https://www.norfolk.gov.uk/out-and-about-in-norfolk/public-rights-of-way/about-public-rights-of-way>

Assistance: The Clerk also suggested membership of organisations such as the Open Spaces Society may provide useful support to the Committee and Council. Dr Clifton offered her research on rights of way, in particular historical routes. The Committee noted the Bridleway Association's interest in expanding the bridleway network.

- **Resolved to invite Dr Clifton and Mrs Paterson to join the Committee as co-opted members**

21.05 DATE OF THE NEXT MEETING

The next meeting will take place on Monday 2 August 2020 at 7.30pm at the Village Hall
Items for the next Agenda would include Philip Rudd Court link to FP8, Footpath 20: Beyond Elder Lane and Footpath 18: Fencing.

Chairman

Date.....