



Planning and Transport Committee

Well Used Paths Which are not Public Rights of Way.

1. The Melton Village Plan of 2006 identified, at 6.14.1 of its Action Plan, the need to “Facilitate the maintenance / creation of more circular walks by providing input to forthcoming Rights of Way Improvement Plan, particularly by provision of new statutory or permissive rights of way at the following locations:-
 - a) linking FP6 & FP7 (River Wall) [using existing railway level crossing] #;
 - b) linking FP7 (River Wall) with Ufford Bridge - Bromeswell footpath;
 - c) linking FP5 (Jews Lane) with Old Church Road [using part of Ufford Park jogging track to avoid B1438] #;
 - d) linking Fayrefield Road with FP17 (River Wall) [would require new railway crossing];
 - e) linking New Quay Lane with FP17 (River Wall) [using existing railway level crossing] #;
 - f) linking Old Maltings Approach with FP17 (River Wall) [using existing railway level crossing]#;
 - g) linking Saxon Way (near Melton Grange Road junction) with NW end of Pytches Road #;
 - h) linking Leeks Hill with Fernhill Close #;
 - i) linking FP19 (near S end of Turnpike Lane) with Saxon Way #;
 - j) other existing paths & tracks within Burkes Wood / Melton Woods #;
 - k) continuing BR24 (Witchpit Lane) to junction with A12 #.

Those marked # are existing tracks.”

Responsibility for this section of the Action Plan was delegated to the Recreation Committee, but other priorities have meant that, until recently, little progress has been made towards securing these as rights of way, whether statutory or permissive. Those involving crossings on the railway line are now likely to be much more difficult to implement, as a result of Network Rail’s national Level Crossing Improvement Programme, which seeks to close, or replace by bridges, as many crossings as possible. Indeed, that at a) has already been abolished.

2. The actions in 2010 of a landowner in obstructing the track identified at h) made it clear that this well-used path performed a vital ‘traffic & transport’ role in providing a safe walking route between different parts of the village, including the schools. A claim was lodged, resulting in the recent decision of Suffolk County Council to designate the route as a public right of way. During the preparation of this claim, it became apparent that a number of other tracks, over which no public rights of way exist, perform a similar ‘traffic & transport’ role, whether as safe walking routes or as part of ‘inter village’ cycle routes. As has been clearly demonstrated, the actions of landowners (new or existing) can close down such routes at a moment’s notice, no matter how long they have been used.
3. Recent interest in house building on the land at the top of Woods Lane, a site bisected by the Witchpit Lane bridleway, led to an informal review of well-used paths which are not public rights of way but which might be under threat from future development. In addition to routes g) and k) above, these include the path linking Saddlemakers Lane & Hall Farm Close with

Woods Lane (near the crossroads). Enquiries about securing route k) revealed that the 'missing link' is still maintainable highway and cannot be 'stopped up' without an application to the Magistrates' Court under s116 Highways Act 1980, which allows the retention of footpath, bridleway or restricted byway rights. Statutory consultation means the parish and/or district councils effectively have a power of veto. This route therefore appears to be secure without further action.

4. Whilst the County Council's rights of way team should be consulted by SCDC about planning applications affecting a public right of way, and to seek to ensure rights of way links are provided/maintained/enhanced in relation to development proposals, they may not be consulted about unrecorded routes. Development proposals do sometimes prompt ROW claims and in these cases the position regarding the claimed route is stronger where there is good evidence to support the claim. We have been informally advised that it is worth flagging up any such routes which we are aware of.
5. This report is also being considered by Recreation Committee at their meeting on 27th February.
6. It is **recommended that**, in consultation with Recreation Committee, the council prepares claims to be lodged with Suffolk County Council for the following exiting paths to be formally designated as public rights of way:-
 - a. linking Saxon Way (immediately south of junction with Melton Grange Road) with Pytches Road (south-east of junction with Bredfield Road), and
 - b. linking Saddlemakers Lane (immediately north-west of Lindos Centre) with Woods Lane (immediately west of junction with The Street).

Cllr. Geof Butterwick
Chairman of Planning & Transport Committee
13th February 2014