

**SHORNE PARISH COUNCIL**

**Minutes of the Footpaths Properties & Greens Committee  
Meeting held on 25 June 2015 in Shorne Village Hall**

PRESENT                      Mr R Lane (Chairman)  
   Mr R Cooper  
   Mr R Theobald  
   Mr D Hart  
   Mr G Dent  
   Mrs S Lindley

In Attendance:              Mrs P Clifton

**1      Minutes of the Meeting held on 19 March 2015**

The minutes were AGREED as a true record.

**2      Matters Arising from the Minutes**

There were no matters arising from the Minutes.

**3      New Siting of Notice Board in Thong (75)**

A site had previously been identified on the south side of Footpath NS 167 adjacent to point where the path joined Thong Lane. The site adjoined the property known as 'The Barn' owned by Mr Turnbull, separated from the path by the boundary wall of the property. Members had spoken to Mr Turnbull when they originally identified the site. Drawings were subsequently produced. It was reported that the previous Chairman of the Committee, Mr R Dinnis, had spoken to Mr Turnbull's son and had received a letter indicating that he opposed the siting of the notice board alongside his property.

It was noted that the County Council had erected a sign post on the footpath and installed a way marking stone. The site was on land at the edge of the footpath. A search of the land registry might identify the owner of the land. If the land owner agreed to the signboard being erected, the problem would be solved.

An alternative site adjacent to the post box in front of the knapped flint wall of Cheneys Farm, approximately 25m north of the site of the existing board was also discussed. This would also be investigated with a view to erecting the notice board on the verge in front of the wall.

**4 Shorne Village Hall - Drain in Car Park (76)**

The covers on the two manholes have been released. Mr Bugg is arranging for the silt in the manholes to be removed.

**5 Crabbles Bottom - Clearance of Vegetation (78)**

The Chairman had surveyed the site on 22 June and circulated a report prior to the meeting. He reported that maintenance of Crabbles Bottom has been contracted to two companies. Landscape Service Works (Commercial Services Trading Ltd for payments) have a 5 year contract to carry out an initial flail of the meadow area in April and a second flail in September. The first flail has been carried out. H&P Conservation Works Ltd have a contract for a one-off initial cut back of the footpath and bridle path, and two further cut backs in May and September. The initial cut back has been carried out, as has the first of the biannual visits.

The footpath has been cleared and is easily passable throughout its complete length, with the exception of a short branch section at the Bowesden Lane end, which has not been cut back and is impassable. The other section which leads straight on towards Bowesden Lane has been cleared and is easily passable.

Vegetation on either side of the KCC-maintained metalled footpath at the far end (which was formerly part of Bowesden Lane) is overgrown, but the footpath itself is just passable.

The 'meadow' area which has been flailed is already covered with a complete carpet of nettles and brambles to a height of approximately 450mm. The remainder of Crabbles Bottom is impenetrable due to a wall of tall nettles, brambles, bushes, and other vegetation.

A recent public visitor to one of the Council meetings complained that the wooden edge markers to the footpath have been largely obscured and are rotten in places. This is true, but since they serve little purpose it is not worth the extra expense of exposing them.

The bridleway has been cleared and is easily passable throughout its complete length, although some riders could complain that that the higher overhanging vegetation ought to be cut back in places. However, there is little evidence of frequent use of the bridleway.

The bridleway itself is heavily contaminated with plastic bottles, cans, and other debris throughout most of its length of approximately 750 metres, presumably thrown from vehicles on the adjacent A228 Wainscott By Pass. This may provide Shorne Parish with an additional maintenance liability.

The Chairman advised that the current maintenance contracts may not be sufficient. It was suggested that the Council might need to contact a farmer with regards to cutting the meadow or grazing, but a further check for ragwort is advised.

Mrs Lindley asked whether there is a footpath linking Park Pale with Bowesden Lane at Crabbles Bottom. This needs to be verified.

**Post Meeting Notes:**

(a) Clearance Works

H & P Conservation-works Ltd. has been paid the sum of £600 + £120 (VAT) = £720 for work in April 2015 for a one-off clearance of the footpath and bridleway. An invoice for the sum of £175 + £35 (VAT) = £210 has been received and is in the process of being paid.

(b) Investment of Money from Bond with the CCLA

It was noted that the amount of £80,000 forming part of the commuted sum given to the Parish by the County Council for the maintenance of the land had been invested with CCLA Investment Management Limited.

**6 Rights of Way (79)**

(a) Shornemead - Re-Opening of the Level Crossing

It was reported that a further letter had been received from the Planning Inspectorate enclosing the KCC's response to the Council's further representation and a legal judgement submitted by KCC. This had been examined and was not considered relevant to the Council's case. A response has been sent to the Inspectorate.

(b) Footpath NS 156 - Obstruction

It was reported that Footpath NS 156 had been obstructed at the northern boundary of the field opposite the See Ho Public House. The obstruction has since been removed.

**7 Landscaping Strip off Michael Gardens (80)**

No further action has been taken to date due to the elections. Mr Dent had recently walked the field boundary and reported that several other residents appeared to have annexed land from the landscaping strip.

A site members meeting was to be arranged to inspect the landscaping strip.

**8 Bus Shelter in Tanyard Hill - Re-felting to Roof (81)**

The roof to the bus shelter in Tanyard Hill needs to be re-felted. A quotation had been obtained to carry out the work, and further quotations have been requested. It was agreed to give Chairman delegated authority to accept the lowest tender.

**9 Responsibility for Boundary Fencing on A2 at Claylane Woods (82)**

Mr Hart reported that he spoke to someone in Davys Place who advised that

there is still activity in Claylane Woods. Mr Hart is trying to obtain contacts for the owner of the land.

The site members meeting to inspect the landscaping strip would be extended to include Claylane Woods and the fence.

**10 Request by Parishioner to Plant an Oak Tree (83)**

The Chairman had contacted UK Power Networks which had not identified any underground power cables in the area. It is understood that the telephone cables were under the footway.

It was agreed to write to Mrs Smailes advising her that the council has no objections to the Oak Tree and that planting may proceed with due care.

**11 Update on the Use of Volunteers to Clear Footpaths in the Parish (84)**

The Chairman reported that the number of parishioners volunteering was disappointing. The first footpath clearance session took place on 6 June, but the second session had had to be cancelled. A further appeal for local volunteers will be made.

However, Mr Dinnis had previously undertaken training in the use of the KCC-supplied equipment and was able to brief volunteers and lead clearance parties. Since he was no longer a member of the Council, the Council lacked a trained leader.

Dartford & Gravesham Ramblers Association has written to the Council, offering to undertake footpath clearance where KCC is unable to carry out the work. It was agreed to accept their offer of support.

There is also the question of equipment storage facilities. Mr Dinnis is currently storing equipment supplied by KCC, but unless the Council is able to find alternative storage soon, the equipment will need to be returned to KCC.

**12 Frontages at Butchers Hill (87)**

Mr Theobald reported that he had requested a site meeting with Kent Highways to discuss the frontages at Butchers Hill.

**13 Parish Website (88)**

The Chairman advised Mr Hart that the minutes of the Council meetings on 25.09.14 and 08.01.15 appeared to be missing from the website. Mr Hart agreed to look into this.

Mr Hart asked if other members would like to be briefed regarding its management. The Chairman expressed an interest and would arrange a meeting with Mr Hart discuss access to the site and management.

**14 Recreation Ground - Parking of Commercial Vehicles**

Mr Theobald had expressed concern at the parking of commercial vehicles on the recreation ground. The land had been given to the parish for recreation and enjoyment, not for a car park. A complaint had subsequently been received from a parishioner. It had been observed that parking on the Ridgeway/Brewers Road was a hazard in that to pass parked vehicles, other vehicles had to move onto the other side of the road near a blind bend. Stopping commercial vehicles from parking on the recreation ground was likely to result in them parking in the road where they would increase the hazard. It was agreed to take no action.

**16 Chestnut Green - Planting**

It was noted that Mrs Marion Polhill, had attended a recent council meeting and had suggested planting on Chestnut Green. It had been pointed out that flowers would not flourish under the canopy of the trees. There had been support for planting spring flowers in the form of daffodils.

It was agreed to contact Leanne Hornby who had planted the verges in Tanyard Hill and ask her if she would also plant Chestnut Green.

**17 Appointment of Village Gardener**

Mrs Hornby of Denmark House, Tanyard Hill, had written to the Council Chairman on 18 June 2015 commenting on the unkempt condition of the verges and green areas. She suggested that the Council should consider appointing a gardener to care for these areas, cutting grass, cutting back bushes, spraying the areas with selective weed killer etc. She envisaged the gardener would need to be employed for three days a year.

It was agreed to investigate employing a gardener and obtain quotations.

**18 Litter Patrols**

The Chairman reported that he had taken delivery of 12 litter picking wands from Gravesham Borough Council, and that a further patrol will be arranged in due course.

**19 Court Wood - Footpaths**

Mr Bickers, who lives in Higham, had attended the council meeting held on 9th April 2015 and raised the matter of the obstruction of the footpaths in Court Wood. Mr Theobald reported that he had walked the paths in Court Wood with Mr Leslie Pearton, a Councillor from Higham. The problem is that the paths are in Shorne parish and the people walking them are mainly from Higham. The paths are not on the Definitive Map. To safeguard the paths it will be necessary to obtain a Definitive Map Modification Order and add them to the map. To do this will require the collecting evidence of the use of the paths. Paths are shown on the 1:10,000 ordnance sheet. A report has been prepared attached to these minutes suggesting the way forward.

There being no further business the meeting closed at 10.20pm.

## **Safeguarding Footpaths in Court Wood**

### **Introduction**

Following the sale of land in Court Wood footpaths have been obstructed. On investigation it was found that none of the paths in the wood were shown on the Definitive Map. As a result arrangements were made for R Theobald to walk the paths with Cllr Mr Leslie Pertion, a representative of Higham Parish Council. It should be noted that Court Wood is in the parish of Shorne and most of the people walking the paths live in the parish of Higham.

Mr Bickers, who lives in Higham, had attended the Shorne Parish Council meeting held on 9th April and raised the matter of the obstruction of the footpaths in Court Wood. Action needs to be taken if the paths are to be protected. The inclusion of a route on the Definitive Map and Statement is legal proof of a right of way. To safeguard the paths they need to be added to the Map and Statement and procedure for this is a Definitive Map Modification Order.

### **The Site and its Surroundings**

Court wood is located on the west side of Pear Tree Lane adjacent to its junction with the A226 Gravesend/Rochester Road. The wood is mainly formed of Chestnut coppice interspersed with larger trees. Paths are indicated on the 1:10,000 Ordnance sheet.

### **Action that Needs to be taken**

Walking the paths under the tree cover it is difficult to establish if they match those on the Ordnance survey mapping. What is needed is Sat-nav set up on known map features and a series of plots taken from the Sat-nav to locate the main changes of direction of the paths so that they can be checked with the map. Once an accurate layout of the paths has been established, evidence of use can be assembled.

### **Collecting Evidence**

Evidence needs to be collected to satisfy the requirements of the Highways Act 1980.

Clause 31 of the Highway Act 1980 states:-

“Where a way over land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it”

It is necessary therefore to produce evidence of the use of the paths. To do this the assistance of Higham Parish Council will be needed, it is suggested that a leaflet drop in the Walmers Avenue, Holytree Drive area is organised to identify users and then

evidence forms will need to be distributed and collected to support an application for a Definitive Map Modification Order.

It is possible that usage evidence will not exist and there is no case for adding the paths to the Definitive map.

There is unlikely to be any historical evidence to support a claim to the paths, most of which are likely to be associated with recreation.

### **The Procedure**

Assuming evidence exists, the two councils can then make a joint application to the County Council as the registering authority for a Definitive Map Modification Order under section 53(2) of the Wild Life and Countryside Act 1981 to add the footpaths to the map and statement.

R N Theobald  
28<sup>th</sup> June 2015.