

RECEIVED

23 SEP 2009

20 September 2009

Graeme Stark
Mapping Officer
Public Rights of Way
Bath and North East Somerset Council
Environmental Services
Floor2 Riverside
Temple Street
Keynsham
Bristol
BS31 1LA

Dear Graeme,

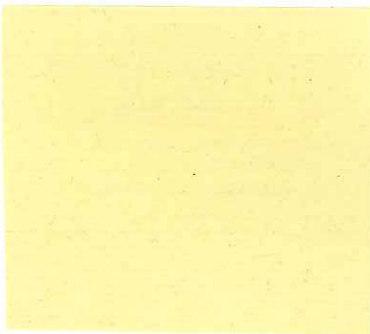
Thank you for your letter GS/BA25/21 of 7 September about the footpath BA 25/21 at Brook Lodge, Wellow.

On behalf of the Ramblers Association I would like to register the strongest possible objection to the proposed diversion, on safety grounds. Bulls Hill, the road onto which the path opens, is a surprisingly busy, and a narrow, road which at the best of times requires extreme caution. The point, E on your map, at which it is proposed the footpath should join the road, could not be worse chosen: at this point a pillar of the railway viaduct almost completely obstructs the view that any driver approaching from the east could have of walkers arriving on the road and vice versa. Any walker would be well out into the road itself before he could have a view of approaching vehicles. I think it would be only a matter of time before there is a serious accident if the council were to persist with this diversion.

On the other hand, the existing point, A on your map, which I believe is the old access to the railway goods yard, enjoys better visibility. It also has the advantage that the presence of houses on both sides of Bulls Hill at this point causes the traffic to slow.

I hope the council will change its mind.

Yours sincerely,



Graeme Stark

From: [REDACTED]
Sent: 26 September 2009 19:15
To: Graeme Stark
Subject: BROOK LODGE WELLOW

Dear Graeme

Please accept this letter as my formal objection to the proposed diversion of Footpath BA25/21 at Brook Lodge Wellow.

I visited the site recently and spoke to the applicant. As you know it is the policy of The Open Spaces Society to oppose all applications for Path Orders under HA1980 S119 which are not overall to the public benefit. In my opinion I can see no such benefit to the public in this application. That being the case I must put forward my reasons for objection under the relative tests detailed in HA 1980 S119 and I detail those below.

INTERESTS OF THE LANDOWNER

The act requires that the application must be expedient in the interests of the landowner. While the qualification of the word expedient is unclear the advice from DEFRA is that if OMAs accept the reasons put forward then they must if necessary be prepared to defend them to an Inspector and explain why they find them, as being reasonable and acceptable. The reasons given

“Security for recent widow living alone and security of property and cars, garage, machinery. Walkers dogs unleashed, gates left open Walkers seen roaming garden and snooping. Hoards of people already walk down the hill to Trekking Centre – young and old”

These reasons which relate to the “status” of the applicant and her perceived security do not in my opinion constitute a genuine reason for diverting a footpath which has existed on its current route for at least 60 years. **I therefore formally object on the grounds of expediency**

I understand that if this case is referred to PINS and the expediency test is not passed, then an Inspector will automatically halt proceedings and not confirm the order i.e. this element is a must pass test.

SUBSTANTIALLY LESS CONVENIENT (EASE OF USE)

One of the arguments put forward by the applicant is that the new route is indeed easier to use and is the one currently used by most locals. This may well be the case but part of the reason for this is that the existing path is not fully open and by this I mean the descent area between the applicant’s lawned area down to the stile at the field boundary. While the proposed route may be shorter currently I do not find it easier to use than the existing path if fully useable. I do not object on this point only comment.

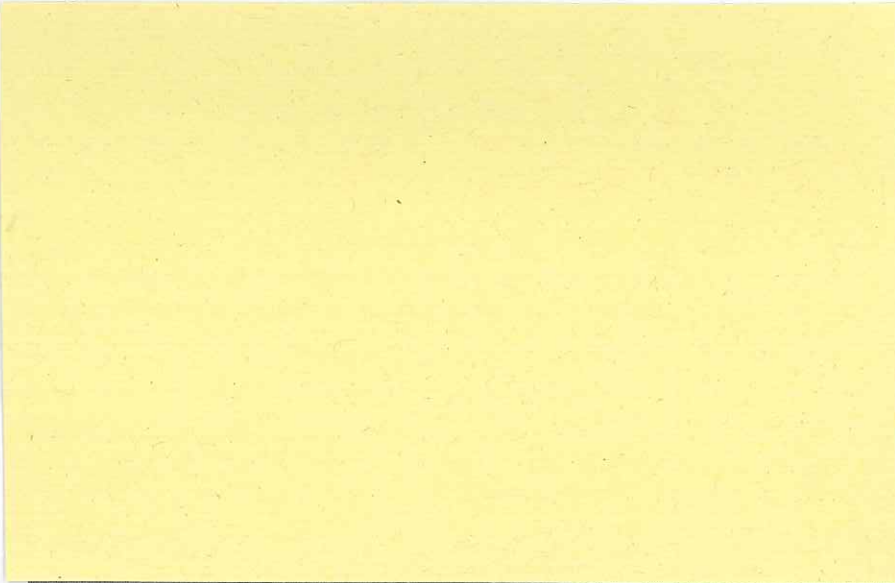
EFFECT ON ENJOYMENT

Research defines that many criteria which can effect enjoyment. One of these is safety (and I quote) The proposed new route should not subject users to any potential dangers or hazards. In this case the diversion ensures that the path will terminate at the bottom of Bulls Hill. If connectivity is required with some other local paths or indeed progress towards the main part of the village this will involve walkers having to an estimated extra 100 yds up a narrow country lane with no pavement. **I therefore formally object on this issue viz safety to walkers.**

I also think it fair to say that the view from the perimeter of the applicant's garden i.e. down across the field is stunning and this view would be lost if the path was diverted. **I therefore formally object on this issue viz loss of view**

This letter supersedes all previous comment on this application

Regards



I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 157 of my spam emails to date.
The Professional version does not have this message.

5th October 2009

Mr Graham Stark,
Bath and North East Somerset Council,
Environmental Services,
Floor 2,
Riverside,
Temple Street,
Keynsham,
Bristol
BS31 1LA

Dear Mr Stark,

I have heard on the local grapevine that there is a proposal to move an existing footpath near Bull's Hill in Wellow, possibly at the request of a single resident.

Although I am not a resident of Wellow, I do have connections and extended family in the area and have taken great pleasure from walking some of the footpaths.

I believe that the proposal is to move the footpath from its current diagonal path across the field to a straight path down the side of the field. If this is the case then I would like to object to the proposed change; not only will this take the footpath out of the line of the other footpaths to the north and south of this one but the new entrance would simply not be suitable for regular use by walkers as it is dark, narrow, has no pavement and is regularly used by both traffic travelling in single file past parked cars and horses from the local riding school.

I would appreciate if you could provide me with the following information:

1. The Council's reasons for the effort and expense of moving this footpath (as I believe it is wholly unnecessary).
2. A copy of the health and safety risk assessment for the revised location of the footpath.

If it would aid swift and cost-effective communication then I can be contacted by email on

Yours sincerely,





Mr Grahame Stark
Bath & North East Somerset Council
Environmental Services, Floor 2
Riverside, Temple Street
Keynsham, Bristol
BS31 1LA

4th October

Dear Mr Stark,

I live in Wellow, and think that the footpath should not be moved. At the moment it comes out into the village and allows easy access for all people living in the village to use it. If it is moved then I think less people will use it and also there are issues surrounding the new layout, where walkers will be expected to come up the road where there is no pavement, and before that, join the road on a dangerous bend.

I often drive through the viaduct and have also noticed that there are often a lot of animals looking over the gate, maybe sheltering under the trees and viaduct or waiting to be fed, but I am not sure I'd feel safe trying to push my way past them if that became the right of way.

Kind regards,



RECEIVED

- 7 OCT 2009

Mr Grahame Stark
Bath & N.E. Somerset Council
Environmental Services
Floor 2
Riverside
Temple Street
Keynsham
Bristol
BS31 1LA

30th Sept 2009

Dear Mr Grahame Starke

I have recently heard about your plans to move the footpath in Wellow and do not understand why as I have never had any problems using the existing one.

I enjoy walking during the weekends and regularly use the footpaths around Radstock, Peasedown and Wellow. After looking at the planed changes, I am worried about the additional amount of road that I would have to use to link in with the footpath near St Julian's. At present I can enjoy the quiet of the countryside and additional road work will reduce my enjoyment, and more worryingly make my walks less safe, particularly in the winter when the light is bad. Vehicles often drive fast under the viaduct and I would not like to have to join the road on that bend.

I really hope you can consider my objection seriously as I do not see any benefit to walkers at all in the proposed move.

Yours sincerely,



Mr Grahame Stark
Bath and North East Somerset Council
Environmental Services,
Floor 2
Riverside,
Temple Street
Keynsham,
Bristol
BS31 1LA

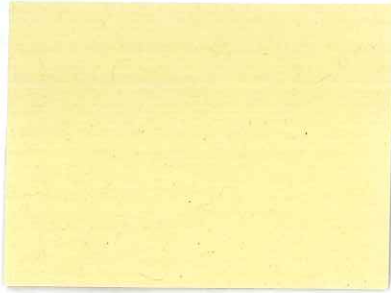
Dear Mr Stark,

It has been brought to my attention that there is a proposal to move the footpath in Wellow. I believe this has no benefit to local residents and have seen the area of the new site. I understand that the piece of land next to the hedge gets very muddy and almost impassable in winter, which I do not want to have to walk through, plus I have great concerns with ramblers being encouraged to walk out onto a bad bend in the road which has poor visibility. Surely this route would fail a risk assessment- has one been completed?

I think a proper consultation should take place and allow residents to put across their views.

Yours faithfully,

A large yellow rectangular redaction box covering the signature area of the letter.



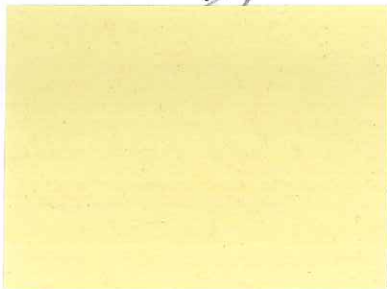
Mr Stark
B&NES Council
Environmental Services
Floor 2
Riverside
Temple Street
Keynsham
Bristol
BS31 1LA

1st October 2009

Dear Sir,

I would like to raise an objection to the movement of the footpath across the land in Wellow from Bull's Hill. I am a local resident and enjoy using the footpaths during my leisure time. I see no reason to move the footpath, and especially have concerns over the new entrance/exit to the field by the viaduct. I do not want to have to walk out onto the road by the viaduct with my children to get back to the village, as that bit of road is unsafe for pedestrians, it is on a blind corner and does not even have a pavement for much of it. Because cars tend to park up the side of the hill, it would mean walking up the middle of the road which would be dangerous.

Yours sincerely



**APPENDIX 2
OBJECTION 8**



Mr Grahame Stark
Bath & N.E.S. Council
Environmental Services
Floor 2
Riverside
Temple Street
Keynsham
Bristol
BS31 1LA

03/10/09

Dear Mr Stark,

I wish to formally object to the application to move the footpath BA25/21 on the grounds of safety for walkers, as well as lost revenue and reduced access to the footpath network for the village. I regularly use the footpaths in my local area and took part in the Shoscombe parish council event earlier this year which involved a group of residents walking all the footpaths in the area, ensuring good access and upkeep and noting any problems. This event reignited my interest in getting out into the local countryside and has led me to continue walking in my spare time. The ability to get out of the towns and into the quiet is wonderful and there is nothing nicer than going for a good long walk and dropping into a pub for a drink or something to eat. This proposed movement of the footpath reduces the access to the village amenities, as well as access to the footpath network *from* the village. Additionally, in order to connect to the other footpaths around the village, one would have to use the road, which has no protection from traffic for walkers. Although Wellow is a small place, the traffic at each end is often moving fast as drivers naturally accelerate as they leave the village and will not be expecting people to walk out from underneath the viaduct, which is the proposed route and could cause a serious accident.

I look forward to your response and wish further consultation to take place regarding this proposal.

Yours sincerely,



Mr Grahame Stark
Bath & North East Somerset Council
Environmental Services
Floor 2
Riverside
Temple Street
Keynsham
Bristol
BS31 1LA

23rd September 2009

Dear Mr Stark,

I am writing in response to your letter dated 7th September 2009, reference GS/BA25/21. I raised my initial objections back in January 2008 when the issue of moving the footpath was first brought to my attention and have since had further time to look at the issue.

I wish to make it clear that I wholly welcome and support the rights of walkers and ramblers to make use of the footpath and enjoy the countryside in a safe way. However, I do continue to have strong objections to the movement of this footpath with regard to the safety of the public as well as my animals and also the environmental impact it may have to the land itself. I do not feel these issues have been considered at all in the current plan.

I have laid out the points I wish to be considered below;

- The proposal of moving the location of the footpath from the middle of the field to the side beside a hedge means that there would be many more 'pinch points' or areas where a walker could be/feel trapped if an animal was to approach, even just through curiosity. No animal can ever be considered 100% 'safe'- a bite or a sting or maternal instinct or a yapping dog could all cause an animal to panic or even act in an aggressive manner. After a lifetime of working with animals, I would always feel safer meeting an unhappy animal in an open space, rather than being cornered up against somewhere I can't escape from. I understand there have been several fatalities and severe injuries this year from walkers being cornered by animals on footpaths across the country.

- Proposed entrance/exit point A is the access point that we use to feed the animals in the field. It is therefore where they often congregate in anticipation of this; so there is an increased probability that walkers attempting to use a footpath in this location would be likely to encounter a large group of animals in this area, plus walkers approaching from that direction may well attract more attention from the animals than walking along the current footpath *because* they will be looking to be fed, and may find themselves followed along the hedge by curious livestock (see earlier point).
- The new entrance/exit point by the viaduct (marked A on the proposal) means that walkers would be forced out onto the road at a much earlier point, next to a viaduct, which makes the area quite dark and reduces visibility even further as it is already on a bend.
- Moving the footpath would also increase the amount of road that walkers and ramblers would need to use (by about threefold) to meet up with the footpath to the north by the church, (marked BA25/7 on the map). This road is quite twisty, and as it usually has cars parked up the hill on one side, it often does not allow two vehicles to pass easily.
- The area of the field nearest point A is almost permanently wet and boggy during winter and not pleasant to walk through. The additional churning of the ground in this area would likely have a negative environmental impact on the land, and slow people down if they did need to move away from an animal quickly.

I have great concerns that moving the footpath will severely increase the risks for both walkers and my animals and I have not been able to find a satisfactory reason as to why the footpath should be moved at all, bar the financial gain that the resident of Brook Lodge would have if she was to sell on the property at any point.

I am not prepared to accept any additional liability if the Council impose this movement of the footpath. Are the Council going to accept the following additional hazards:

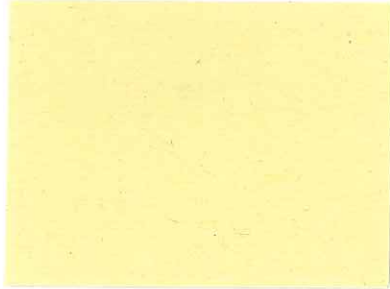
1. Greater risk to walkers from bringing them into an area where the animals naturally congregate and expect to be fed?
2. Siting the footpath along the hedge, restricting directions of retreat if animals are panicked (the hedge is too tall to be vaulted so presents a barrier to retreat).
3. Additional risk to animal welfare by having walkers and their pets passing through areas where they are fed.
4. Likelihood of environmental damage from the new footpath as the area by the hedge is waterlogged for approximately half the year, as well as potential claims for damage from walkers who fall due to the waterlogged ground.
5. Additional long term risks affecting my livelihood (please see enclosed letter from the NFU).

The additional risks posed to the public by siting the exit point on a dangerous stretch of road with poor visibility are not my concern from a liability point of view, but could be for the Council if an accident was deemed to be caused by their willingness to locate a public right of way in a hazardous place.

Surely Bath & North East Somerset Council cannot be going through this costly and risk increasing process simply to prevent people from walking through someone's garden, particularly when the footpath was already in situ when the property was purchased?

I really hope that this proposal can be looked into further before a decision is made. I would be happy to meet with any representatives from the Council and again point out my concerns.

Yours sincerely,



Encl.

Mr G Stark, Mapping Officer
Environmental Services
Bath & North East Somerset Council
Floor 2, Riverside
Temple Street
Keynsham
BS31 1LA

RECEIVED

- 7 OCT 2009

30th September, 2009

Dear Mr Stark,

Re: Bath & North East Somerset Council (Public Footpath BA25/21, Brook Lodge, Wellow) Public Diversion Order 2009-10-06
Your Ref: GS/BA25/21

Following your letter of 7th September, 2009 to [REDACTED] I am writing to put in support of [REDACTED] who does not wish the footpath to be moved and we both have a number of issues with regard to the proposed new route of the path.

The proposed new route funnels walkers into the viaduct, effectively hemming them in on three sides. [REDACTED] uses this field for grazing his livestock which includes cows and their calves. Recent legal cases, published in the nation press, have highlighted the fact that strict liability rest with the cattle owner for any injury to a walker or their dog. Confining people in an enclosed area could result in more serious injuries to both people and their dogs. A recent campaign by the NFU has highlighted the care walkers need to take and what they should do if a cow tries to defend its calf. However the majority of people are unaware they should let their dog go. Our concern is that if a person is cornered in the viaduct with their dog someone will eventually be injured, purely as a result of an animal doing the natural thing in protecting its young. Having this occur in a confined space would not merely increase drastically the potential for such an event but also increase the severity of the subsequent injury. This in turn affects the size of the liability claim

The second important issue, again revolving around the potential for injury, is the exit proposed for the new footpath. Currently the footpath exits into the village and visibility is good up and down the road. The new exit point is on a blind bend and is obscured by the viaduct itself. Any vehicles coming around the bend would have very little time to react to pedestrians exiting the footpath. The width of the road at this point is also narrowed because of the viaduct which then gives little room to take any evasive manoeuvre.

These issues simply highlight the increased danger to pedestrians but they could have a significant impact on [REDACTED] business. If as [REDACTED] insurer, we found increasing claims under his Public Liability insurance for personal injury claims, we would need to take steps to try and reduce any further potential losses. This could result in higher premiums being paid, increased excesses, or even removing cover from that field for cattle. This could effectively force [REDACTED] to give up the land and hence some of his livestock grazing or use it for another purpose. [REDACTED] may not wish to have this potential danger and no longer use the field for grazing livestock. Either way this would impact on his ability to farm profitably. Less grazing not only means fewer cattle it is possible to rear but also affects a number of other Government schemes to which [REDACTED] belongs to. It would therefore reduce his income from cattle sales and affect his payments from the Single Farm Payment and other Environmental schemes.

The NFU champions British farming and provides professional representation and services to its farmer and grower members.



I would urge you not to amend the direction of the footpath on both a number of safety issues and also on the economic viability of [REDACTED] business.

Yours sincerely,



Mr Grahame Stark,
Bath & North East Somerset Council,
Environmental Services,
Floor 2, Riverside,
Temple Street,
Keynsham
BS31 1LA,

APPENDIX 2
OBJECTION 11

RECEIVED

- 7 OCT 2009

Dear Sir,

I am a longstanding resident of Wellon and would rather not give my name but I am appalled at the plans to change the layout of the footpath running down behind Bulls Hill. I regularly like to walk my dogs along the footpath as there are too many cars speeding through the village.

It is nice to walk across a nice wide field, rather than be pushed up against a hedge like on so many footpaths and my dogs (which I keep on a lead if animals are there) like the freedom too.

If you push the entrance to that part of the footpath out to the end of the village I can see less people using it, or if they do they'll have to walk down along the road under the viaduct trying to avoid all the cars and strings of ponies with learner riders on them from the trekking center.

Please look at this decision again. I have heard a rumour that it is only happening because one resident wants to get it moved away from her house but what about the rest of the village?

Ann.