



## Community Access Warden report for the Heritage and Open Spaces Committee meeting on 24 June 2025

### Detailed report

Since the last meeting, I have checked a number of the paths highlighted and discussed in April. I have also sought to contact NCC through its 'normal' advertised routes to get information on the paths. Although my approach noted that some of the queries related to paths which were the responsibility of Highways and others of Norfolk Trails Team, the initial response was from Highways only. I am only now starting to get information from Trails. I had understood that all cutting was now covered by a single NCC contract, but the replies I have received strongly suggest that the Highways and Trails elements are still being dealt with separately.

The Highways response confirmed that the paths shown on the NCC interactive map (<https://maps.norfolk.gov.uk/highways/#>) as being on the cutting contract were indeed shown correctly. I was eventually informed that the first round of cutting commenced on 12 May and will be completed by 22 June. I am unclear as to whether this means the specific path cited in the email or all Dereham paths.

The Trails response has reported that some of the cutting contract information was out of date and an update would be sought. In the meantime, it was confirmed that the part of FP34 shown was maintained to Norfolk Trails standards which includes 3 cuts over the course of the programme, and that it was cut on 5 June. I have not at the time of writing been to see for myself. It was also confirmed that Scarning FP9 would be removed from the cutting programme (its whole length is a roadway giving access to the sewage works).

Inevitably, this report is only as good as the dates I last checked. Assuming there is a plan to meet with NCC staff, I will try to revisit the paths selected for discussion to verify that what is written is still accurate, once the date is settled.

The map accompanying this report has been updated with a few minor changes to make it more comprehensive.

	<b><i>Priority with reason</i></b>
<p><b>FP1a</b></p> <p>This path runs south from the A47 to Mattishall Road. There is a fingerpost at the A47 which directs walkers down a set of steps, through a short length of woodland and across an open field to Mattishall Road. A fingerpost is in place there to direct walkers going towards the A47. The field is regularly sown and cropped and often the path has been well made. Of late, this has not been the case and finding the correct route without GPS or excellent map reading skills would be difficult. Walkers going south from the A47 might be able to make out the distant Mattishall Road fingerpost, but those going north have much less to guide them.</p> <p><i>Path walked 23 April 2025</i></p> <p>At the Mattishall Road end, the last 20m or so is rough scrub with no path marked through it. The legal line of the path passes just left of the central pole.</p>	<p><i>The issue of concern is the prolonged and sometimes repeated failure to indicate and make the course of the path. The legal requirement is that where the surface of a path has been ploughed, the occupier shall make good, within 14 days of the first disturbance and within 24</i></p>



The rest of the field has been fine ploughed, again without the path having been made. The photo below is looking north from just north of the previous photo.



*hours of any other disturbance, the surface of the path and indicate the line of the path on the ground to not less than the minimum width (Section 134 Highways Act 1980). This is a summary of the much longer exact wording of the Act.*

Near the A47, the path runs through a short length of woodland and up steps to the A47 (complete with fingerpost). Note the lack of path leading to this section.



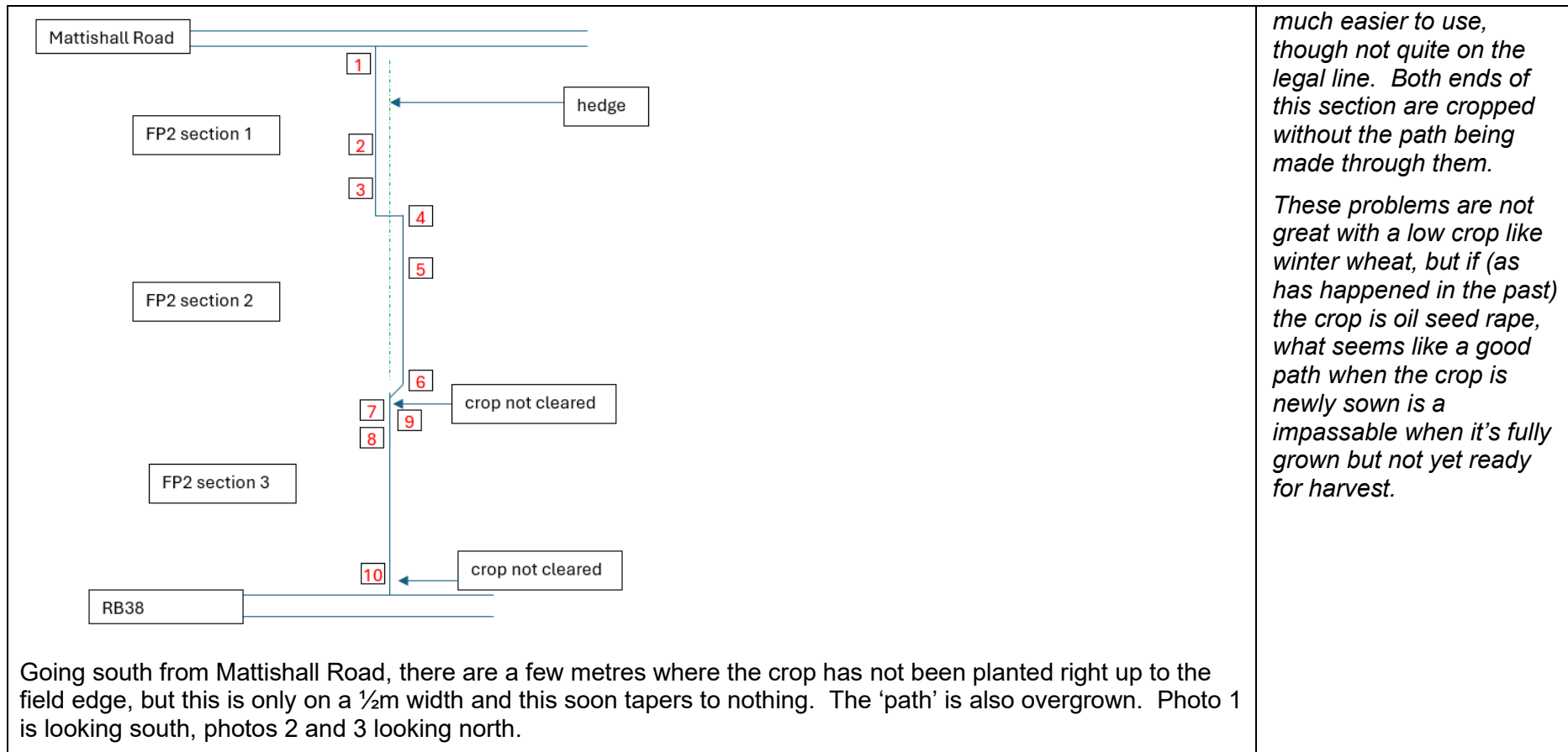
## FP2

This path runs south from Mattishall Road to a junction with Restricted Byway 38. It can be considered in three sections. The first section is a field edge path running west of the hedge. Part way along, the path goes through the hedge and continues as a field edge path, but along the east side of the hedge (and therefore in the adjacent field). The final section is cross field to join RB38. There is a lengthy history of issues on this path. Only relatively recently has NCC stated that the path changed sides of the hedge; before that it was always assumed that the path ran at all times on the west side. There is a newly placed fingerpost (replacing an old one in poor condition) at Mattishall Road, and posts and disks have been erected to indicate the point where the path changes sides of the hedge, and where (for walkers coming north) the path leaves the open field to go along the east side of the hedge. At the southern end, there is a post and disks indicating the course of the path northwards. The not to scale sketch below shows the main features described.

*Path walked 23 April 2025*

*The issues here are that the field edge sections of the path are either non existent or overgrown, without there being a clear indication of its course.*

*The cross field section is an odd mixture of a roughly made path on the legal line which is not easy to walk, compared to a very nearby set of tractor tracks which are*



*much easier to use, though not quite on the legal line. Both ends of this section are cropped without the path being made through them.*

*These problems are not great with a low crop like winter wheat, but if (as has happened in the past) the crop is oil seed rape, what seems like a good path when the crop is newly sown is a impassable when it's fully grown but not yet ready for harvest.*





Part way along, the path moves across the boundary hedge into the adjacent field. A post and waymark disk indicate this, though the surface hasn't been cleared to make an actual path (4); nor has the field edge surface on the continuing section of path (5, looking north).



4



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Further south, the hedge ends (6, looking south) and the path crosses the field (7 looking south and 8 looking north - the post and disk just visible directly in line with the path).

The landholder has cleared a narrow strip along the legal line, leaving a soft and uneven surface free of crop which doesn't make easy walking (9). Close by, a parallel set of tractor tyre tracks has consolidated the surface and provides a good walking path.





7



8



9

Both of these paths cease short of the field edge (8 at north, 10 at south), leaving 3m of crop to cross at both ends.



10

### RB3

Restricted Byway 3 connects RB38 in the north to Footpath 26 in the south. As a Restricted Byway, it is legally open to use by walkers, cyclists, horse riders and carriage (non powered) drivers. Unlike public footpaths and bridleways, it is not lawful to plough a restricted byway, even if it is to be reinstated afterwards. At the north, there is a recently installed post and disk pointing cross the field. At the south, a gap has been made in the hedge along Footpath 26, though is not of a width suitable for anyone other than walkers; there is no signage there.

There is a long history of issues with RB3: various reports have been made over the years to NCC complaining that the path was unwalkable and was regularly but unlawfully ploughed and cropped. For some time, NCC had (informally) indicated that it would not take any action because although the path met FP26 in the south, the connection to the north was to a track not then recognised as being a right of way to which, therefore the public had no right of access. (This was a specious argument as there is nothing in law to prevent a right of way going to a dead end.) This changed in 2018 when (mainly as a result of Dereham Town Council leading the process) the track at this point was recognised as a restricted byway. The main reason still given for further delay was that the route crossed a ditch close to its southern end; bridging the ditch would require installation of a structure suitable for horse and carriage to use, matching the legal status of the path - which would be expensive. NCC considered that it could not consider a diversion until the current legal path was established. (There were two proposals for diversion: a minor one would be of just a few metres to enable the path to go round the end of the ditch. A much larger one was to use existing tracks to the east, none currently recognised as rights of way; this was suggested as being potentially more attractive to the landholder as it would avoid the otherwise continuing requirement to have a restricted byway divide the field and making farming it much harder.) As a result, it has only been much more recently that action was taken (again following strong pressure from DTC) to get the path properly treated. NCC agreed to install a culvert crossing the ditch; it also erected a post and disk at the north end of the path. At the south end, a gap was made in the hedge.

#### *Path walked 23 April 2025*

There is a fingerpost marking where the path leaves RB38, but it simply points into the hedge. The first photo is taken from RB28, the second from within the field (the post is just visible towards the right of the picture). As can be seen, there are gaps in the hedge which enable walkers to scramble up from or down into the field, though this would not be viable for users other than walkers.

#### *Update 14 June 2025*

A more recent walk revealed that a path had been cut through the crop. The path is very winding, apparently to minimise the disturbance to the crop by utilising tractor tracks through it. It does connect the two ends, though I remain unconvinced that this is the start of seeing the path permanently available. The site of the northern exit is still blocked by the hedge. The remaining notes on this path were written in April.

*The main issue here is the long continuing failure to make and keep this path available to users.*

*Necessary steps are: (1) creating a gap and appropriate access from RB28 onto the legal line of RB3; (2) establishing and maintaining the full length of the line of the path clearly on the ground; and (3) making and signing a proper access from FP26 onto RB3.*

*In the past, there has been support for offering acceptance of a diversion onto nearby existing tracks. The main purpose would be to relieve the landholder of having a restricted byway dividing the current field into two separate parts. It should however be noted that the alternative tracks are not currently recognised as rights of way and their establishment may be opposed by some or all of the landowners; it could also be a lengthy and possibly costly process.*





No path had been made across the crop, either from where the fingerpost optimistically directs or from a nearby point where a gap in the hedge gives access to the field. At the far end, after crossing the new culvert, it joins FP26 through a narrow gap in the hedge, though there is no signage. The photo shows the gap and the culvert beyond, looking north.



<b>FP14</b> - FP14 is overgrown and still awaits my attention. It is marked as being on the NCC cutting contract, but I see no sign of it having been cut last year.	<i>No further activity by me</i>
<b>FP14a</b> - I await progress on this by NCC to repair/replace the damaged boardwalk. I have some reluctance in pressing NCC about this in case it provokes a decision to close the path; ideally, an informal approach could be wiser.	<i>No further activity by me</i>
<b>FP25</b> - After wet weather earlier in the year, the south end of this path (adjoining FP26) was flooded. There is a ditch to the west of the path, but this was full of water so offered no means of drainage.	<i>No further activity by me</i>
<b>FP26 (Dumpling Green)</b> - A recent walk confirmed previous reports - that it doesn't take too much rain for the deep ruts to fill with water and make walking difficult. Along quite a bit of the track, there are narrow 'paths' made along the banks edging the main track, which could serve as useful ways to avoid navigating the flooded track itself, but these suffer two problems. One is that they tend to slope towards the track, so if they're wet, it would be easy to slide into the flooded track (which someone on one of our walks last did). The other is that drivers of the tractors and/or 4x4s which I assume have private rights to use the track sometimes drive up onto the walking routes and degrade or obliterate them. On the same walk, I also noticed that one of the fields well down the track is now receiving large deliveries of horse manure; there are several deep ruts across the track where these vehicles have crossed it to get into the field, leaving a very cut up surface for walkers to try to cross. I would like to see if some sort of plan to improve the usability of this otherwise very pleasant and lengthy path can be formulated.	<i>Perhaps worth including in the discussion, but this is a long term issue</i>
<b>RB32 (Shillings Lane)</b> - The issue with the westward continuation of the byway onto The Neatherd, which becomes very waterlogged after wet weather, remains. (This is not NCC responsibility as the byway ends where the path emerges onto open ground.)	<i>This is one for DTC and/or BDC</i>
<b>FP34</b> - There have been no changes to this path, which means that the section of this path running alongside the stream will again become extremely muddy after wet weather; NCC is aware of this but reported some time ago that it had no resources to take any steps to deal with it (and would require a number of permissions to do so). The section of the path running through the woods has two sections that have become and remain quite boggy, leading people to create new routes to avoid them; these routes are somewhat bendy and involve additional climbing/descending. This path is on the NCC cutting contract, though evidence of cutting is largely absent.	<i>Reportedly cut, but note that this relates only to the part of the path alongside the stream, not the path through the woods.</i>

