



Meeting	Recreation & Leisure
Date	Wednesday 18 th September
Report Title	24. 041 Everside Lane
Author:	Lucy, Clerk

Cllr Fowler and Clerk met with PROW Officer and GCC Highways Local Manager to discuss Everside Lane access, maintenance and future improvements.

The history is summarised below –

RUPP: Road Used as a Public Path = Restricted Byway. A restricted byway allows a right of way on foot, on horseback, or leading a horse, cycling and for any vehicles other than mechanically propelled vehicles. **ONLY VEHICLES THAT ARE GIVEN PERMISSION TO ACCESS THE LAND AS VISITORS/ GUESTS TO THE JUBILEE PLAYING FIELD ARE PERMITTED TO USE THE LANE.**

BOAT: Byway Open to All Traffic. A carriageway- vehicles are allowed, but main use must be by horses or pedestrians

NERC 2006 ACT: Natural Environment and Rural Communities Act 2006

DATE		Outcome	Considerations
May 1991	Application for extinguishment of part Public Footpath to create Bridleway	September 1992 GCC Public Footpath status extinguished and made Bridleway Order	
December 2003	Advised to modify access from RUPPS to BOAT as CROW ACT 2000 meant all RUPPS were being reclassified to Restricted Byways	May 2004 Application made to reclassify from RUPP to BOAT	
August 2005	Wildlife & Countryside Act 1981 – Section 53 application made for a Modification Order to upgrade the road used as a Public Path CCA21 to a BOAT	Agreed September 2006	The reclassification was not published
January 2008	CPC investigates traffic control measures for the lane	GCC confirm that Everside Lane would not meet any condition to allow speed bumps to be installed	N/A



October 2010	Advised by GCC that due to the new legislation introduction NERC Act 2006 and that the Modification Order was not published in 2006, the change from RUPP to BOAT would not be upheld.	The access road remains a RUPP/ Restricted Byway. Legal main use is for animals and pedestrians and not vehicle movement
June 2022 Summary	The access road remains a RUPP/ Restricted Byway and therefore is legally permitted to be used as a bridle way and public foot path	

Due to issues with the BOAT application, the Lane remains a RUPP. To confirm, even if the application were successful, it is still not an adopted highway and therefore not maintained by GCC to Highways standard.

The surface of the road from Manor Avenue to the first entrance is in good condition. There are lots of places that could be increased in width by cutting back the vegetation. Neither PROW nor Highways had any concerns with us cutting back the overgrown brambles and trees etc along the left-hand side of the Lane. We would, however, still need permission from them both in writing, as well as the farmer.

The surface from the first entrance to the second entrance is poor. Again, the verges could be cut back and the road widen in places and the surface topped with a suitable mix of stone to be safe for horses and cyclists.

We discussed liabilities due to concerns with the vehicles only being allowed to use Everside Lane because they are our invited guests. They felt that this was an unnecessary concern and that in order to prove negligence, the claimant would have to prove that we were aware of an issue and hadn't taken action. Any incident would be between the individual and their car insurance, not the landowner.

On going maintenance would not be covered by PROW or Highways. The PROW would only cover the cost if it adversely affected its users, i.e. blocked the way for horses/ cyclists – users can simply go around a pothole.

In conclusion, CPC could carry out some maintenance to Everside Lane – cut back the overgrowth and verges to widen the road and create passing places, add a suitable surface to the second section of the lane between the first and second entrance and develop the second entrance as a better hard standing for more parking. However, to manage expectations, this has not been made a project priority for this year and has not been budgeted. Clerk recommends therefore, allocating a budget and looking to carry out this project after April.