2011

Whitstone Parish Public Rights of Way (PRoW) – Survey 2011



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Whitstone Parish Council
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General Description of Whitstone PRoW

Whitstone Parish has 11 Public Rights of Way (PRoW) covering approx 3.7 miles. Eight of the paths fall within an Area of Great Landscape Value (AGLV)¹. Each path has a Cornwall Council designated priority (either Gold, Silver or Bronze) which is associated with the maintenance and improvement strategy. All Whitstone PRoW have been designated as Silver except one short section of path (564/11/1) which is designated as Bronze.

Two paths cross the Parish boundary into Week St Mary Parish all other paths are wholly within Whitstone Parish.

All the paths are designated as 'footpath', there are no 'bridleways' or 'byways open to all traffic (BOAT)' shown on the Definitive Map.

Footpath Definitive Map & Statements

For each PRoW the information is taken from the 31st October 1996 Definitive Map and Statement provided by Cornwall Council. The Definitive Map gives PRoW numbers which Cornwall Council prefixes with the number 564 to identify them as located within Whitstone Parish.

Whitstone Parish is covered by 4 map sheets. These are SX29 NE, SX29NW, SS20SE and SS20SW. Only 2 of these sheets have PRoW on them and all but one PRoW is shown on sheet SX29NE. The Statement shows that only 2 paths have a defined average width, these are path 2 (4'0") and path 12 (15'0") no widths are stated for the other paths but where this is the case the minimum width is taken to be 1.5m for headland paths and 1m for cross field paths.

Legal Status

There are a number of requirements in law and regulations affecting PRoW as well as some requirements which would satisfy 'best practice'. These are many and varied but the main points are summarised below and I have used these 10 criteria as the basis for the survey.

Cornwall Council has the responsibility to assert and protect the rights of the public to the use and enjoyment of PRoW and to address any problems reported, although for some of the criteria the action to remedy the problem may be the responsibility of the landholder, the land owner or, for example, the person responsible for an obstruction.

The Parish Council has no responsibilities in relation to PRoW but does have certain powers which it can choose to exercise, for example:

Erect signs for a right of way (The Countryside Act 1958) Create a right of way (Highways Act 1980) Maintain a right of way (Highways Act 1980)

The Parish Council may have contractual responsibilities if it decides to enter into a Local Maintenance Partnership (LMP) with Cornwall Council regarding the maintenance of the PRoW.

¹ AGLV – Areas identified as being of scenic importance. Designated by Local Authorities and protected in Structure and Local Plans. They were created under the Town and Country Planning Act 1947.

Summary of main criteria used in the survey

- 1. Route the path should follow the legal route as described on the Definitive Map and Statement.
- 2. **Obstruction** the path should be unobstructed, allowing the public to pass and re-pass over it conveniently.
- 3. Visibility the path should be visible on the ground so that the public can be certain that they are following the correct route.
- 4. **Surface** the surface of the path should be free of tall vegetation.
- 5. **Hedgerows** the path should be free of encroachment from hedgerow vegetation from the sides and from above.
- 6. Signage the path should have a 'Public Footpath' sign where it meets a metalled road.
- 7. **Way-marking** The footpath should have way-mark signs where the route of the path may be unclear.
- 8. Stiles should be necessary, and ideally conform to BS 5709 2006. They should be in good repair.
- 9. **Ploughing/Cropping** headland paths² should never be ploughed or cropped and should be a minimum width of 1.5m. Cross-field paths should only be ploughed/cropped if it cannot be avoided, and if they are ploughed/cropped the paths should be restored to a level surface within 24hrs (14 days if this is the first event). The minimum widths above apply.
- 10. **Dangerous animals** bulls of a recognised dairy breed³ over 10 months old should not be in a field with a PRoW through it. Other breeds over 10 months old are allowed if they are with cows or heifers.

² A headland path is one around the boundary of a field.

³ Recognised dairy breeds are Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry.

Footpath Inspections

All of the Parish PRoW have been inspected with the above 10 criteria in mind. A report has been prepared for each of the paths together with my recommendations for bringing them up to standard or for improvement. These recommendations are my personal opinion and not intended to represent the views of the Parish Council or any other organisation.

Path number:	564/1/1	Type:	Footpath	Category:	Silver	Date:	12/7/11
Approx Length (m):	554	Stiles/Gates:	3				
Route:	From Key	wood to Road W	of Froxton				

There is no PF sign at the Keywood end of the path.

The entrance to the path at Hilton Woods site has a security gate across it controlled by keypad. There is no defined pedestrian entrance although you can scramble around the gatepost with inconvenience. (photo 1)

The path is well defined through Hilton Woods site with well maintained waymarks, tarmac roadways, trimmed grass path and trimmed hedges (photo 2).

Near the boundary of the Hilton Woods site the path passes over a footbridge in satisfactory condition (photo 3), through a boggy area where a wooden walkway has been provided which is in satisfactory condition (photo 4).

A further wooden walkway beyond is in poor condition. The stile at the boundary is in very poor condition with rotting timber and broken steps. There is a sign on the stile warning of a bull in the field. This is probably very old and not relevant. Misleading signs designed to deter the public are illegal. There is a further area of boggy ground beyond the stile which has no walkway (photo 5).

The path continues through trees up a steep hill. The route is not easily visible (photo 6).

Beyond the trees the path continues uphill into a field (pasture). The route is not visible on the ground, however it is possible to see the exit gate at the top right hand corner. Surface vegetation is satisfactory. A way marker where the path exits the trees would be beneficial (photo 7).

There is a farm gate at the exit of the field at the road. This is in satisfactory condition (photo 8).

There is a PF sign at the junction with the metalled road, visible now but could be prone to hedgerow overgrowth.

Recommendations:

Investigate if security gate at Hilton Woods site has been authorised. I am surprised that if it has been authorised there is no provision for pedestrian access.

PF sign required at Hilton Woods entrance.

New stile and wooden walkways required. Remove misleading warning sign.

Waymarking at exit of trees would be desirable.



Path number:	564/2/1	Type:	Footpath	Category:	Silver	Date:	11/7/11
Approx Length (m):	426	Stiles/Gates:	2				
Route:	From Hillh	ead to road W	of Bennetts				

PF sign at metalled road is visible now but could be subject to hedgerow obstruction (photo 1)

The entrance gate is satisfactory although hedgerow and surface vegetation are encroaching (photo 2). The line of the path is not visible on the ground beyond the gate and it would benefit by waymarking

The path continues over a field where the surface of the path has been ploughed and cropped (grass) which is calf high. In the past this path has been left unploughed /cropped and was much more convenient to walk (photo 3).

The path continues to the field boundary where it turns to follow the hedgerow (headland path) (photo 4). This has been ploughed close to the boundary not leaving the minimum 1.5m for the path. Surface vegetation here is too high for walking. The path would benefit from waymarking at this point (photo 5).

The path continues along the hedgerow to a metal farm gate in the corner. The gate is in good condition (photo 6).

The path then enters Bennetts Court Holiday Cottages and continues over a metalled drive to the B3254 (photo 7).

There is no PF sign at the B3254 main road (photo 8).

Recommendations:

Hedgerow and surface trimming required at the entrance gate (Hillhead).

Strictly speaking it is not an offence to grow grass as a crop on the PRoW, however the landowner could be encouraged to avoid this practice so as to leave a visible and walkable path.

Landholder should be required to reinstate the headland part of the path.

The path would benefit from waymarking at the entrance gate and also at the field boundary on the west side.

PF sign required at the Bennetts Court entrance on the B3254 metalled road.

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Path number:	564/3/1	Type:	Footpath	Category:	Silver	Date:	11/7/11	
Approx Length (m):	955	Stiles/Gates:	?					
Route:	From Whitstone to Thorne							
(Green Lane Bungalow to Thorne Farm)								

The Definitive map shows this path starting through the property called Green Lane Bungalow. There is no entrance apparent at the point shown on the map (photo 1). There is a caravan in the property which appears to be across the line of the PRoW as marked on the map (photo 2).

There is no PF sign at this point or anywhere in the vicinity.

There is a metal farm gate immediately to the south of Green Lane Bungalow (photo 3) which has a small notice on it (Cornwall County Council) indicating that the path is a cul-de-sac (i.e. not joining up with any other PRoW) (photo 4).

The gate is in satisfactory condition although surface vegetation makes it difficult to open/close.

The path continues into a field. The field has been ploughed and cropped close to the boundary leaving no room for the path (headland path min. width 1.5m) (photo 5). Walking here was too difficult and I abandoned inspection of the path beyond this point (photo 6).

Recommendations

Investigate the situation at the entrance of this path. Either the Definitive Map is incorrect or the apparent route on the ground is incorrect. In either circumstance this should be corrected. PF sign requires at the metalled road (B3254).

Owner(s) should be required to reinstate the headland parts of the path.

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Path number:	564/4/1	Type:	Footpath	Category:	Silver	Date:	11/7/11			
Approx Length (m):	695	Stiles/Gates:	6							
Route:	oute: From road S of Whitstone to Road NW of West Balsdon									
	(from opposite Oak Lane junc. To Balsdon Road opposite entrance to West									
	Balsdon)									

There is a PF sign at the entrance to the path at the metalled road (B3254), however this has been turned around and now points in the wrong direction, it has also been slightly defaced (photo 1).

There are a series of three metal farm gates at the entrance to the path, these are in fair condition although difficult to operate.

The path continues along the boundary of the first field which has been ploughed and cropped (grass) close to the boundary not leaving room for the path (headland path minimum 1.5m) (photo 2). The path leaves the boundary to continue cross-field and could benefit from waymarking at this point (photo 3)

The path continues cross-field to a footbridge on the east side. The grass is calf high but is walkable with difficulty.

The footbridge has a stile at each end (photo 4). The footbridge and stiles are in satisfactory condition but there is some vegetation encroachment onto the footbridge (photo 5).

The path and footbridge are quite close to a farm gateway which would be a much more convenient route for the path. This would do away with the need for a footbridge (and the maintenance of it) as well as avoiding the small amount of cross-field path in the next field. This would make cropping in the field more convenient for the landholder (photo 6). This could also get rid of the longer cross-field section and turn it into a headland path in the first field.

The path continues to the next field boundary but could benefit from waymarking at this point.

The path continues along the field boundary but surface vegetation and grass crop make walking difficult on the exact line of the path (headland path minimum 1.5m from boundary) (photo 7).

The path exits the field via a metal farm gate at the Balsdon Road. The gate is in satisfactory condition (photo 8).

There is no PF sign at this end of the path.

Recommendations

Repair/replace PF sign at junc with B3254.

Owner(s) should be required to reinstate the headland parts of the path.

Strictly speaking it is not an offence to grow grass as a crop on the PRoW, however the landowner could be encouraged to avoid this practice so as to leave a visible and walkable path.

Investigate possibility of re-routing the path to get rid of footbridge and small length of cross-field path as well as the longer cross-field path in the first field.

















Path number:	564/5/1	Type:	Footpath	Category:	Silver	Date:	11/7/11
Approx Length (m):	205	Stiles/Gates:	2				
Route:	From Whit	stone Head to	St. Anne's C	Church			

There is a PF sign at the metalled road on the opposite side to the path entrance (photo 1).

The path runs down the side of Whitstone Head School boundary and at this point is in the form of a 'green lane'. The lane is well maintained with short surface grass and trimmed hedgerows. (photo 2) (photo 3). This leads to a 'kissing gate' at the entrance to a field (photo 4).

The gate is in satisfactory condition however there are loose strands of barbed wire within the gate which could cause injury or damage to clothing (photo 5).

The path continues across the field laid to grass pasture along an old hedge boundary. The surface vegetation is satisfactory (photo 6).

The path continues to another 'kissing gate' at the entrance to the churchyard. This gate is in satisfactory condition (photo 7).

The route on the Definitive Map ends at this point. I am not sure if a PRoW exists through the churchyard to Oak Lane, although a metalled path certainly exists and is in satisfactory condition.

There is no PF sign at the Oak Lane end, however it is not a requirement if this is not a PRoW (photo 8).

Recommendations

Landowners should be encouraged not to use barbed wire near gates/stiles. This is a requirement of BS 5709 2006.

















Path number:	564/6/1	Type:	Footpath	Category:	Silver	Date:	10/7/11
Approx Length (m):	715	Stiles/Gates:	8				
Route:		stone to road N		ough			

There is a PF sign at the entrance in Oak Lane.

The entrance to the path at is via a pedestrian gate which is in satisfactory condition (photo 1) although I am unsure if 'The Settlement' sign on the gate is legal, ownership of the 'green lane' requires investigation.

The path then enters a 'green lane' alongside the boundary of 1 Gratton Cottages (The Settlement). The surface vegetation and hedgerows here require strimming and trimming. At this point the western boundary of the green lane is not well defined and there is an unused car and a shed in this area. It is possible to walk around the car and shed but it is not clear if they encroach on the PRoW. Further investigation would be required to establish this (photo's 2, 3, 4).

The 'green lane' then continues downhill and at this point surface vegetation and hedgerow encroachment make walking difficult. It is not clear at this point whether the PRoW is the whole of the width of the green lane or may be just a minimum width path down the middle. Some quite sizable trees have grown up in the lane and would require removing if the PRoW is considered to be the whole width of the lane (photo 5). The 'green lane' ends at a stile (photo 6) which is in satisfactory condition with a waymark showing the route of the path across a field of grass as pasture. The surface vegetation is satisfactory at this point (photo 7)

The path continues via a stile (photo 8) into the property called Trelawne. The path at this point is under trees and the surface and hedgerow vegetation is satisfactory (photo 9).

The path continues over the driveway and via a stile in good condition (photo 10) into the grounds of St. Anne's Parish Hall, the surface at this point was recently washed away by rain but has since been restored with gravel and is in satisfactory condition.

The path continues via a gate (photo 11) in good condition over a gravel path in St. Anne's Close to a stile (photo 12) in satisfactory condition. The path then enters a field with calf-high grass crop and via a cross-field path to a stile in the top corner of the field (photo 13). The line of the path is not visible on the ground due to cropping but the stile on the far side is visible.

The stile is in satisfactory condition (photo 14) and leads into the next field of grass pasture and along the eastern boundary of the field (photo 15). The surface here is satisfactory.

The path leaves the field via a pedestrian gate in good condition and over the metalled drive of The Elms onto the metalled road (photo 16).

There is a PF sign at this point.

Recommendations

Investigate the ownership and exact boundary of the 'green lane' at the Oak Road end of the path. Define the boundary with a fence or other barrier so as to prevent any encroachment on the PRoW.

The 'green lane requires considerable surface and hedgerow trimming involving cutting down of young trees and undergrowth.

Strictly speaking it is not an offence to grow grass as a crop on the PRoW, however the landowner could be encouraged to avoid this practice so as to leave a visible and walkable path.



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Path Number:	564/7/1	Type:	Footpath	Category:	Silver	Date:	11/7/11
Approx Length (m):	828	Stiles/Gates:	2				
Route:	From Brac	lborough to Net	hercott				

There is a PF sign at the entrance to this path.

The path enters a field laid to grass crop via a stile which is in satisfactory condition (photo 1). The path continues cross-field and the grass is short. The line of the path is not visible on the ground but it is just possible to see the stile on the far side.

The path continues over the stile (photo 2), which is in satisfactory condition but requires surface and hedgerow trimming, into a 'green lane' which is almost completely choked with surface undergrowth of bracken, bramble and grass for the next 200m or so (photo 3). The path is walkable with difficulty via two narrow tractor tracks where the surface vegetation is reduced.

There is a strand of binder twine across the path at this point presumably to control stock (photo 4). After this point the surface is farm track and hedgerows are satisfactory (photo 5).

The path continues into Nethercott Farm where there is a further strand of twine across the path (photo's 6, 7) and onwards via the track and concrete surface to the metalled road (photo 8).

Recommendations:

Strictly speaking it is not an offence to grow grass as a crop on the PRoW, however the landowner could be encouraged to avoid this practice so as to leave a visible and walkable path.

The Stile and 'green lane' require substantial trimming of surface and hedgerow vegetation.

The owner should be encouraged to remove the strands of twine across the path.

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Path Number:	564/8/1	Type:	Footpath	Category:	Silver	Date:	11/7/11	
Approx Length (m):	307	Stiles/Gates:	5					
Route:	From Neth	From Nethercott to Road near Street						

The path starts from the driveway of Nethercott Farm and continues via a gated drive of a property with metalled drive (photo 1) then shortly bears right over a stile in good condition (photo 2) to a farm track. The path is waymarked at the stile.

The path then continues through a gateway. The gateway has been blocked by three metal gates strapped together with twine and cable-ties. The structure is very flimsy and unsafe to climb over (photo's 3, 4).

The path continues beside a pond (photo 5) and follows the southern field boundary. The field is grass pasture and surface is satisfactory (photo 6).

The path then reaches the SE corner of the field where there are 2 stiles only a short distance apart ,(less than 3m). The first stile has an electric fence across it and is quite flimsy (photo 7). There is a lot of surface and hedgerow vegetation between the two stiles such as to make it almost impassable.

The second stile leads to the busy and dangerous B3254 through Street opposite Cherrymoor (photo 8).

There is a PF sign at this point.

Recommendations:

Require landholder to remove the blockage to the PRoW caused by the barrier of three gates tied together.

Hedgerow and surface trimming required in SE corner of field and the stiles at junc with B3254 at Street.

Landholder should be encouraged to make more suitable arrangement for stock control at this stile.



						Т				
Path Number:	564/9/1	Type:	Footpath	Category:	Silver	Date:	11/7/11			
Approx Length (m):	700	Stiles/Gates:	1							
Route:	From Paris	sh boundary (Od	ddmill) to ro	oad E of Hilto	n Wood					
Comments:										
There is no sign to inc	dicate the P	arish Boundary								
The path enters Whitstone Parish from Week St Mary a short distance west of Oddmill (photo 1). At this point it is a metalled surface track between fences or hedgerow all in good condition.										
The path continues on a metalled road to a farm gate across the road which looks as though it is permanently open (photo's 2, 3) and continues through the woods (photo's 4, 5) past Hilton House (photo 6) and onward to meet the road (photo's 7, 8). All is in good condition.										
There is a PF sign who	ere the patl	n exits onto the	metalled ro	oad.						
-	•									
December of de C										
Recommendations: None										
INUITE										



Path Number:	564/10/1	Type:	Footpath	Category:	Silver	Date:	11/7/11
Approx Length (m):	387	Stiles/Gates:	3				
Route:	From Froxto	on to Luckham					

There is a PF sign at the entrance to the path at the metalled road.

The path is entered via a metal farm gate (photo 1) and continues over a field of grass crop on a cross-field path (photo 2) to a stile in the SE corner. The stile is not level but is otherwise in satisfactory condition (photo 3). However the hedgerow requires trimming at this point.

The path continues downhill in a field laid to grass pasture to a bridge over a stream (photo 4) and then uphill through a further pasture to a metal gate into a farm track (photo 5). The surface vegetation over these two fields and the farm track is satisfactory.

The path then continues into the farmyard over concrete surface through a shed/canopy (photo 6), onward between farm buildings (photo 7) to meet the metalled road (photo 8).

There is a PF sign at this point in the hedge on the opposite side of the road. This is partially obscured by the hedgerow vegetation.

Recommendations:

Strictly speaking it is not an offence to grow grass as a crop on the PRoW, however the landowner could be encouraged to avoid this practice so as to leave a visible and walkable path.

Investigate if the shed/canopy at Luckham is built over the footpath and establish if this is an allowable development. It does not necessarily impede progress over the PRoW.

Photo 1 Photo 2





Photo 3





Photo 5





Photo 7





				T		•	
Path Number:	564/11/1	Type:	Footpath	Category:	Bronze	Date:	12/7/11
Approx Length (m):	80	Stiles/Gates:	0				
Route:	From Parish boundary to Parish boundary SW of Higher Westcott						
	(This is a short piece of a WSM path which just crosses the Parish Boundary)						
Comments:							
This is a short middle	section of a	path which is ba	asicallv in V	Veek St Marv	Parish.	It consist	s of a
concrete farm track with grass verges and hedgerows (photo 1). It is in satisfactory condition and							
presumably is maintained by owners of the land as they maintain the rest of the track.							
Recommendations:							
None							

Photo 1



Next Steps

PRoW should be managed in a way that is beneficial to landholders as well as users and other interested organisations. To that end I think it would be useful for the Parish Council to consider adopting strategies which would proactively support any proposals which would further this aim. For example, a number of footpaths in the Parish are cross-field, that is, they do not run along the field boundary and therefore are subject to disturbance by ploughing and cropping. If they are disturbed it is the responsibility of the landholder to re-instate the surface and the responsibility of Cornwall Council to ensure that this is done, all that takes a good deal of effort, time and money for both the landholder and Cornwall Council. This situation also inconveniences the users of footpaths in that it makes paths difficult to use for possibly lengthy periods whilst paths are reinstated and makes the line of the path difficult to see or forces an alternative to be used which is not a PRoW and may be regarded as trespass. If the route of these paths was diverted around the field boundary, a so called headland path, it would be much easier for the landholder to ensure that disturbance is avoided during agricultural activity and in most cases would not inconvenience the users of the path unduly. Because it remains undisturbed, the path would be easier to maintain, less likely to become muddy in wet conditions and the user would have a well defined route so as to avoid any suggestion of trespass. There is a legal mechanism for diverting PRoW which is by formal application to Cornwall Council followed by a legal process. Perhaps the Parish Council would consider suggesting this to landowners for selected paths, to explain the benefits and to support any applications which it considers reasonable. The legal process includes a period of notice and allows for any objections to be considered.

In the first instance perhaps a letter could be sent from the Parish Council to all landowners that have PRoW on their property with the aim of encouraging them to review their footpaths to see if they could make improvements to benefit the walking public as well as making their agricultural activities more convenient. The letter could include the following aspects

- Informing them of the appointment of a Footpath Coordinator to help the Parish Council improve the standards of PRoW, and that footpath inspections will be made on a regular quarterly schedule.
- Advising them of laws and regulations regarding PRoW. There are several guidance leaflets issued by Cornwall Council which could be included with the letter (see Appendices)
- Suggest how they may benefit by applying for path diversions where appropriate as outlined above.
- Suggest how they may help to improve the footpaths network by considering 'Permissive Paths' in certain places to link up existing PRoW. These permissive paths would not be dedicated as PRoW, so the landowner would maintain more control over them, however the setting up of these paths would require a formal process.

Access Land at Swannacott Woods

Although not a PRoW, and not the responsibility of either Cornwall Council or the Parish Council, Swannacott Woods Access Land is a very useful leisure resource for the Parish and walking Public. Being Access land means that the public a free to roam anywhere within the woods for leisure purposes. At present there is only one way into the woods (at Lower Wadfast). It would be desirable to link this Access Land with our PRoW network in other places, this would have the advantage of creating more circular routes.

Extending the path network

Our existing parish paths are not very joined up. The walking public often prefer circular walks, and our paths do not at the moment have any of these without walking on the roads. In some places our roads are very dangerous for pedestrians. I think it would be good, as a long term aim to attempt to achieve this. One example of such a route would be by joining the PRoW at Odd Mill to the access land at Swanaccott Woods. This would create a circular route from the village through Odd Mill, Swannacott Woods and back to the village via Meadowside. The roads involved in this route are relatively free of traffic. There are several other examples where circular routes could be created.

I hope that with more local emphasis and interest in our footpaths, and with the goodwill and support of the community, landowners, Cornwall Council and other organisations, we will be able to improve the standard of the footpaths to make it more attractive and convenient to walk in our countryside. This would benefit both the local community and the visiting public.

Appendices

Areas of Great Landscape Value

Whitstone Parish PRoW (North)

Whitstone Parish PRoW (South)

Cornwall Council Rights and Responsibilities on Public Rights of Way

Public Rights Of Way Reinstatement After Cultivation: Guidance Notes For Landowners And Users

Gates and Stiles

Local Maintenance Partnership (LMP)

Dogs on Public Rights of Way and Dog Fouling Information