

PARKS & RECREATION COMMITTEE

Date: Monday, 10 January 2022

Title: Land at Witney Road, Ducklington

Contact Officer: Operations & Estates Advisor - John Hickman

Background

Lakeside allotments were constructed in 1989/90 and access to and from the allotments is via a concrete roadway marked in yellow on the plan. Witney Town Council does not own the roadway and only has the rights of access to and from the allotments. Two public footpaths from Ducklington run across the adjacent field and connect via a footbridge marked on the plan with the public footpath running alongside the ½ of the southern boundary of the allotments closest to the lake. The Public footpath runs from Ducklington to the North-western corner of Witney Lake through the underpass and on into Town.

The concrete access road has always been private and does not provide public access to the footpath at the Eastern end of the road with a fence and signage maintained between the concrete roadway and public footpath on Witney Town Council land.

Initially there were issues with members of the public cutting through this fence to gain easy access from the concrete roadway to the start of the footpath on Witney Town Council property. The council carried out repairs and strengthening the fence each time this happened and has been maintained by council as a preventative barrier to access from the concrete roadway to the footpath since.

In early 1994 the farmer of the neighbouring property inserted a stile in his fence line opposite the entrance gates to the allotments giving access from the public footpaths on their land onto the concrete roadway the location is marked by a green dot on the plan. The Town Clerk at the time arranged for the stile to be removed and the farmer written to regarding this however the farmer replaced the stile again.

Current Situation

In approximately 2004/5, the Operations & Estates Advisor believes a kissing gate was placed into the fence line where the stile had previously been by the Town Council (it stands in the majority roadway-side of the boundary fence line which indicates this) which gives easy access to the public footpaths from this private road.

Also, after that date Witney Town Council has maintained the limestone path through the gate and also attached sheep fencing to the gate to prevent sheep escaping from the field through the gaps in the kissing gate fence but is unable to find any documentation to support or refute this.

The current owner of the access road to the allotments has recently been in touch with Witney Town Council regarding parked vehicles on the access road that has no connection with the allotments and a regular flow of people walking down the access road to visit Witney Lake. The owner originally wanted additional gates fitted to prevent unauthorised access along this roadway, however after further thought felt initially that additional signage making it clear it was a private road and access was for allotment holders only, with some additional no parking signs to concrete area at the corner of the Allotments.

The Operations and Estates Advisor arranged with the owner the installation of the additional signage, which was completed at the end of June 2021, the road owner was in agreement with these signs when installed and intended to review the signage, parking and flow of people at the end of the year.

However, it now appears the developers of the adjacent land have submitted a planning application indicating this private roadway is an existing pedestrian route.

The owner of the road asks that Witney Town Council now remove the kissing gate that has been placed in the fence line by the adjacent landowner and replace it with fencing to close the access from road to the footpaths.

Council could possibly install a new access gate/s and associated fencing across the access road at the South-eastern end of the allotments highlighted blue on the plan to prevent pedestrian or vehicular access unless you were an allotment holder with a key or code to the gate. The gate would have to be closed and locked behind each person as they entered or left and could possibly also lead to confrontation for the allotment holders with members of the public regards access.

Environmental impact

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 – with this in mind Councillors should have due regard to the environmental impact of any decisions they make with regard to its facilities and services it operates.

Risk

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability. The installation of an additional access gate could lead to altercations with members of the public for allotment holders.

Members of the public may consider that this is an established right of way and complain that this right had then been removed, should the kissing gate be closed or at this point in time or an additional set of gates and fencing be installed on the roadway.

Financial implications

The associated cost of removing the kissing gate and replacing the fence should council decide to remove the kissing gate.

The possible associated cost to purchase and install additional gate fencing and locks.

Recommendations

Members are invited to note the report and consider the following:

1. If councillors would want to remove the existing kissing gate and close of the fence line to prevent pedestrian access.
2. The installation of a new access gate and associated fencing across the access road at the South-eastern end of the allotments.