

AGENDA MANAGEMENT SHEET

Name of Committee Warwick Area Committee

Date of Committee 26th July 2005

Report Title Permissive Access to Gaveston Cross, Leek Wootton

Summary Members are advised on the advantages and pitfalls of permissive access to land and the way forward for access to Gaveston Cross, Leek Wootton.

For further information please contact Stuart Ikeringill
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Permissive paths briefing paper for Countryside Access Liaison Group, April 2005.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

Other Committees Warwick Area Committee 21st June 2005

Local Member(s) Councillor Mrs J Compton - The Leek Wootton Parish Council should be given every assistance by WCC in their efforts to secure access to this historic site.
 (With brief comments, if appropriate)

Other Elected Members

Cabinet Member
 (Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive

Legal I Marriott - agreed

- Finance
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Warwick Area Committee – 26th July 2005

Permissive Access to Gaveston Cross, Leek Wootton

Report of the Director of Planning, Transport and Economic Strategy

Recommendation

That Leek Wootton Parish Council be supported in its efforts to secure permissive access to Gaveston Cross.

1. Background

- 1.1 Following representations on behalf of Leek Wootton Parish Council at Area Committee on 21st June 2005, Members requested a report to advise on permissive access to land and for a recommendation concerning access to Gaveston Cross.
- 1.2 In general terms, access to land is either 'as of right' or 'permissive'. As of right access includes:-
- i) Public highways and public rights of way (public footpaths, bridleways and byways).
 - ii) Private rights of access granted to individual(s), specified groups or to an occupier of land or property.

These rights are usually permanent.

- 1.3 Permissive access, as the label suggests, is access granted through choice by an owner or occupier of land. Some permissive access is secured by an Agreement, which, in some cases, may include payments to the owner/occupier(s), such as the agri environment schemes administered by Department for Environment, Food and Rural Affairs (DEFRA). Most permissive access is not secured by formal agreements, for example, canal tow paths and paths through public parks, along greenways and around reservoirs. Permissive access may be terminated either temporarily, or permanently, by the landowner and there are few sanctions available for this to be prevented.
- 1.4 All tiers of Local Government can enter into permissive path agreements with landowners, although these powers are not widely used. A paper was submitted to the Countryside Access Liaison Group, at its meeting in April 2005, attended by the Leek Wootton Parish Councillor Alan Moore who represents the

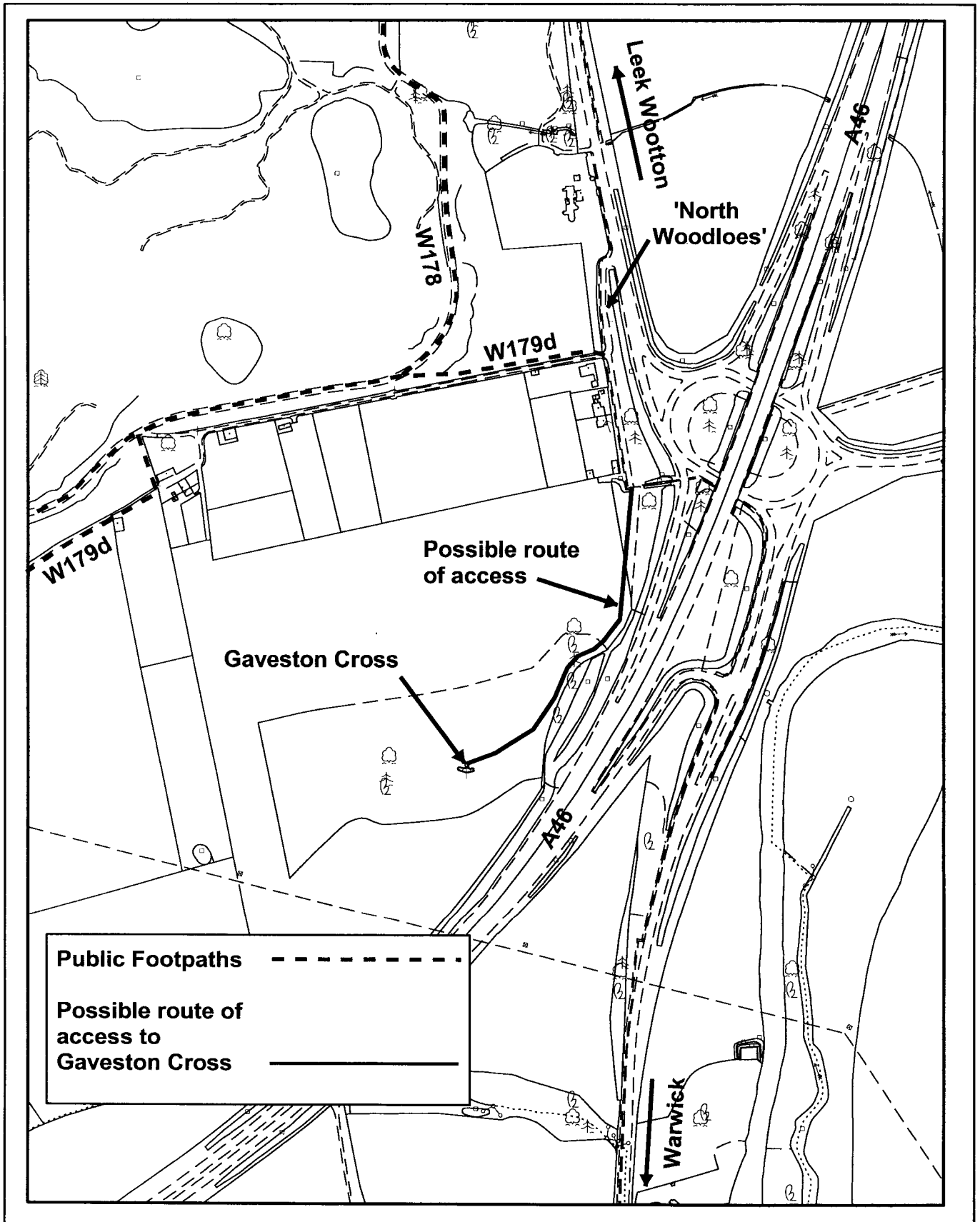
Association of Town and Parish Councils, explaining permissive access in more detail.

2. Access to Gaveston Cross

- 2.1 Gaveston Cross is situated in woodland on Blacklow Hill approximately 1 mile (1.5km) south of the village of Leek Wootton, adjacent to the A46 dual carriageway. The stone cross was erected in 1821 to mark the execution of Piers Gaveston, Earl of Cornwall, in 1312.
- 2.2 Leek Wootton Parish Council (LWPC) wishes to secure funding to restore Gaveston Cross and to provide some form of public access to the monument. Indeed, it is unlikely that grant making bodies will award monies to a project unless some form of public access is secured. A location plan for the monument and indicative access route is shown on a plan at **Appendix A**.
- 2.3 LWPC has approached Warwickshire County Council (WCC) to assist with the project. Officers from Countryside Recreation are pleased to provide support and advice, as is the Funding Officer. However, the proposed path is a cul-de-sac and would not be of strategic importance within the network of public rights of way. As such, the appropriate way forward is for LWPC to take the lead in entering into an Agreement with the landowners. WCC would act in an advisory role, providing assistance with such matters as draft agreements, plans, potential funding and advising the owners in respect of protecting the permissive right from becoming public by virtue of public use. The latter would be achieved by a straightforward notice under Section 31(6) of Highways Act 1980. The above way forward has previously been explained to LWPC.
- 2.4 Permissive access is only possible with the agreement of all the affected landowners. The indicative access route shown on the plan at **Appendix A** is understood to cross land owned by 3 different landowners:-
 - i) The owner of the woodland.
 - ii) The owner of the adjacent field.
 - iii) The owner of the roadside area, the Highways Agency.
- 2.5 It is understood, from LWPC, at the time of writing, that the owner of the woodland is agreeable to the proposed path. Negotiations have not yet been completed with the owner of the adjacent field. It is anticipated that the Highways Agency will be agreeable to the proposed path.
- 2.6 A verbal update on negotiations will be provided at your meeting.

JOHN DEEGAN
Director of Planning, Transport and Economic Strategy
Shire Hall
Warwick

12th July 2005



Location of Gaveston Cross
Parish of Leek Wootton
& Guy's Cliffe
District of Warwick

Scale 1:5,000

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