

Mr J Payton

Comments on Statements received.

Regarding to the determination of the public footpath  
diversion order

BA19/22 Skylark Farm, Peasedown St John

Statement ROW/3311134

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Statement from the owner of Skylark farm

19/12/2023

## Statement from the owner of Skylark Farm;

*'Thank you for this. Its seems ridiculous you are taking this man seriously!! The menage has never been used since the purchase of the land! And the footpath runs 2m from it anyway, I feel you are considering his complaint more seriously than the public safety which we are offering to help!*

*Regards Paul'*

1. Why would you, by taking me seriously (as a landowner) be ridiculous? It is my right to protect my property and it goes against the authorities own legislation to cause harm to a neighbouring property.
2. The menage has not been used since 2005 when an accident occurred whilst it was in use. As my Statement shows since I purchased this land, the renovation of the property and my responsibility for public safety has been my main concern.
3. As regards the approximate 2 -3m distance away of the path BA19/22 heading down the West side of my property and the menage. Please see the first Risk assessment included in my statement, which shows the erection of a fence removing this hazard completely. (This was explained in the first site meeting to Wendy Robbins and Mr Parsons representative Mr Craddock)
4. The Risk assessment shows that with a footpath looming over the menage it fails, with an outcome of serious injury/ possible death. This has to be taken seriously. I am not against the footpath being moved due to health and safety, it could have been moved to a far more safe route benefiting all. Unfortunately the authority did/would not consult with Mr Parsons on any other proposal.

## Statement from 'the authority' ROW 3311134

Paragraph numbers corresponding with the authorities statement.

- 1.1 *'Diverting the footpath away from working machinery to a more commodious route through woodland suffering from ash dieback'*.  
So without realising what they are doing, they have pushed the general public from one possible H&S hazard to another, without any risk assessments or surveys being done. I would like to see the authority representatives health and safety qualifications, that give them the right to base this whole application on their personal opinions and not a factual risk assessment. In 2017 the path was re-directed through the chicken farm, at this point surely it was risk assessed by the employer and the authority. Which now must mean in the last 6 years they have made it unsafe and violates the privacy of my property.
- 1.2 Steps on a footpath are only detrimental to wheelchair users, would not be able to use a stile or 'kissing gate' anyway. Im sure steps are used all over the British footpaths as a perfectly safe route up and down slopes/hills.
- 1.5 Since the councillors made their supporting comments, one of the councillors has visited the property and realised that she was not informed of the problems associated to the footpath that makes my menage unsafe.
- 1.6 The objection by a braysdown resident Mr Burrows, saying that the children of braysdown use this footpath and mentioning; that if the proposed footpath goes through they will walk to the point C then have to walk on the class 4 highway gassons road to connect to BA19/23 the diagonal footpath on my property, as they will always use the quickest route to get to writhlington.
- 1.11 The authority mentioned they used a general risk assessment to prove the suitability of the proposed footpath (ref OMA05 3.28) *'any risk assessment should include all effects, not just for menage'* where is this general risk assessment? I have been asking for it since my objection was submitted. The remaining footpath has been risk assessed, the authority representatives and the farm representative were told that at the first site meeting. It is an ongoing revitalisation project.
- 3.2 There should be risk assessments for all farm machinery and processes on Skylark farm. In the method statements from these risk assessments it should show safety to the public using the footpath. If they are now saying it is unsafe to the public and now fails a risk assessment then the activity would have been stopped until a safe precaution is put in place, to provide this safe working conditions for the empolyees and the public.
- 3.3 The authority is helping the benefit of the land to the north of skylark farm by removing a footpath BA19/22, leaving only one footpath BA19/21. Reducing the

network length (which is the reason given why they did not want to change mine the J Payton proposal 3). There are 3 landowners on the footpath BA19/22 and the authority have only included 2 landowners in the decision making for the proposed footpath.

- 3.8 The authority state there are no effects on agriculture and forestry. However the woods suffer from ash dieback and it has been used for grazing for animals, in recent times. The permissive path has only been created since the official objections were submitted.
- 3.9 Its states here the authority has 'considered' this, yet provides no evidence when asked and only gives their opinions. This property has been used for grazing since it was property of the coal mine which closed in the 1860s. 24meters is incorrect it is actually only 18m from the boundary.
- 3.10 The risk assessments show due to the topography of the land where the proposed footpath looms over the heads of the horses using the menage, it is not safe. Even though the path is 18m from the boundary the public with their dogs would now be overlooking the menage. Horses are a prey species and are naturally paranoid of predators, instinct is to bolt when felt threatened. Dogs barking/running over the heads of horses can never be safe, some dogs may even give chase.
- 3.12 The problems with the menage in the past were due to injury. This shows that the footpaths are a hazard, hence why I have risk assessed them before my family will be able to use the menage.
- 3.14 The statement by Sheila Petherbridge at OMA05 states '*I can confirm that I cannot envisage any conflict between walkers using this slope well above the menage, whilst there is a potential lesson or schooling session taking place*'. This shows no knowledge of advanced horse psychology and the ability to train horses and teach riders. '*Having 31 years experience as a public right of way officer*' she does not/cannot produce a risk assessment that would give legitimacy to her personal opinion. She also lists 4 centres for riding horses stating that their menages are close to public highways and are safe. What this doesn't mention is in these circumstances the public highways have been in place before the menages were built. In this case the menage is in place and the authority are wanting to put a public highway/footpath next to it. None of the examples given have a path running over the heads of the horses. These menages would need an up to date risk assessment to gain insurance for public riding to take place, on the site for public liability (my menage cannot pass a risk assessment with the proposed path running over head) So they actually are completely different situations.
- 3.20 The proposed footpath is not that convenient for locals as once you reach point C the public will just walk down gassons road to join BA19/23 because its quicker.
- 3.24 Where it states '*there is no adverse effect on other land served by the existing footpath*' This is untrue as per my risk assessment, which highlights risks to the

public and the users of my property. Which is resolved in the specific risk assessment for the menage. The issue is that for the proposed footpath, there is no outcome I can do (without planning application) that meets the requirements to equalise the hazards involved.

- 3.25 The permissive path has only been in existence since objections to this case were submitted. Therefore it cannot be used as an example for no adverse effects as the menage is currently under renovation and not being used.
- 3.26 The Land manager (not owner) mentioned in the first site meeting erecting a fence to alleviate my objections for their original proposal of running the path on the boundary, which was turned down by the authority due to maintenance issues. During this entire case I have had no contact with the owner/applicant (Mr Parsons) To say I have chosen not to engage in negotiations is a false statement and completely untrue. I presumed the authority was keeping communications open with the applicant, but evidently not.
- 3.35 Maintenance- Again permissive path has only been in existence during this case, since objections were submitted.
- 3.36 Safety to the footpath in the applicants perspective may be improved, but without official proof (a risk assessment and a tree survey) there is no evidence of this.
- 4.2 If this is true then the authorities H&S policies should be updated. As this shows that it's the opinion of their officers that precides over the outcome/result of an official risk assessment, conducted by experienced and qualified persons.