

Meeting	Parks & Open Spaces Committee
Date	4 th March 2025
Report Title	Tadpole Lane Permissive Path
Agenda Reference	13
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Officer's Recommendation

1. To note the report and advice from Swindon Borough Council on permissive paths.
2. To consider the duration of the permissive footpath and if legal action is necessary to protect the return to a public footpath after 20 years use.
3. To note the operational considerations associated with the project to date.

Permissive Path

The Parks & Projects Team has contacted the authorities please see the response below.

Swindon Borough Council does not keep a register of permissive paths, and any landowner can construct a permissive path on their land without consent from this Council.

If Haydon Wick Parish Council does not want the permissive path becoming a public path after 20 years use, it should seek independent legal advice as to the actions that can be taken to prevent that situation occurring.

Those actions can include displaying, maintaining and recording signs stating that the path is not a public right of way and/or depositing a declaration with this Council under section 31(6) Highways Act 1980. The Officer at Swindon Borough Council doubts if this would be an issue for a Parish Council but if a landowner encourages the public to use a route that is not a public right of way the insurance implications should be considered before it is called into question because of an accident.

The Parks & Projects Team has visited the site during periods of rain and have confirmed that the permissive path route becomes flooded during this time.

Operational Considerations

The team has also confirmed that the entrance ground conditions are not yet favourable for any material delivery. For the same reasons, access and ground condition, it is hard for the Parks & Open Spaces Team to store debris/chippings from ground maintenance works to begin collecting chippings for the path.

Due to the scale of the path the Parks & Projects Team is investigating if it is more efficient to source free additional woodchip from other grounds maintenance teams and local tree surgeons/ grounds maintenance contractors.

The team will continue to investigate solutions and report back where appropriate.