

Colne Footpath Project Feasibility Study



**Produced by Groundwork South
on behalf of the Colne Valley Park CIC**



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Contents

1.0	Introduction	4
2.0	Current Site Accessibility.....	5
2.1	Existing Public Right of Way.....	5
2.2	Permissive Rights of Way.....	5
2.3	Privately owned areas of land with no formal access	5
3.0	Land ownership.....	6
3.1	Land Ownership Details	7
4.0	Proposals.....	8
4.1	Footpath.....	8
4.1.1	Proposed route of footpath	8
4.1.2	Type of access	12
4.1.2.1	Public Right of Way	12
4.1.2.2	Permissive Footpath	13
4.1.2.3	Conclusion.....	13
4.1.3	Footpath Construction	14
4.1.4	Signage and interpretation	15
4.2	Ecological Enhancement Proposals.....	16
4.3	Estimated Budget.....	19
5.0	Stakeholder Consultation.....	20
5.1	On Site Meetings.....	20
5.2	Contact by post and email	20
5.3	Contact in person.....	21
5.4	Land Owner Responses.....	21
5.4.1	London Borough of Hillingdon (Plots 1 & 2)	21
5.4.2	██████ (Plot 3).....	21
5.4.3	██████ (Plots 4 & 5)	21
5.4.4	Buckinghamshire County Council (Iver FP21)	21
5.4.5	██████ – Thorney Weir House	21
5.5	Local Stakeholder Responses.....	22
5.5.1	London Wildlife Trust.....	22
5.5.2	The Ramblers Association	22
5.5.3	Iver and District Countryside Association	22
5.5.4	Iver Parish Council.....	22

6.0	Conclusions & recommendations	23
	Appendix	25

1.0 Introduction

There is currently a dead end public path beside the River Colne in Buckinghamshire which stops as soon as it reaches Hillingdon. Creation of this link has been a long standing aspiration of the Colne Valley Park and other local groups.

This report aims to assess the feasibility of creating a new riverside footpath within the Colne Valley Regional Park (CVRP). The proposed footpath is intended to provide access to the CVRP from the town of West Drayton and would follow the length of the River Colne from West Drayton Mill to Thorney Weir House via Mabey's Meadow Nature Reserve and a number of privately owned plots of land. This will create an important link in the network of paths available for local residents and visitors to the Colne Valley Regional Park. Especially important in the current climate where many paths in the Iver area have been lost to recent development or are threatened by potential future development. In addition to the creation of the footpath, we are also seeking ways of improving the ecological value of the land it passes through.

This report aims to identify the ownership of each plot of land affected by the route of the path and to outline each landowner's stance towards our proposed access and environmental improvements. We have set about achieving this through completing the following objectives.

1. Establish landownership by completing a land registry search and contact relevant landowners accordingly.
2. Make contact with local stakeholders and discuss practicalities of proposals with the relevant local authorities.
3. Commission an ecological survey and report with enhancement recommendations.
4. Produce plans for the proposed enhancements and provide indicative costings.
5. Draw up landowner agreements for proposed footpath and obtain consent from the Environment Agency to carry out environmental improvement works.

2.0 Current Site Accessibility

2.1 Existing Public Right of Way

A public right of way already exists for the northern section of the proposed footpath route (see figure 1). The right of way (Iver FP21) is maintained by Buckinghamshire County Council and runs from the Colne Valley Trail in Thorney, to Thorney Weir House before abruptly finishing at The Bigley Ditch offtake. The footpath experiences little footfall due to a lack of appropriate signage, a lack of maintenance and due to the fact the right of way is currently a dead-end path.

2.2 Permissive Rights of Way

A permissive right of way exists for the most southern area of the proposed footpath route at Mabey's Meadow Nature Reserve. Mabey's Meadow can be accessed by permissive footpaths leading from West Drayton via Frays Island Nature Reserve and from Thorney Mill Road. The permissive paths run to the north of Mabey's Meadow before meeting with an informal and unofficial track that runs through private land owned by *Link Park Heathrow LLP*. At this point the route of the path becomes unclear due dense undergrowth.

2.3 Privately owned areas of land with no formal access

There are two privately owned areas of land crossed by the central section of the proposed footpath (see figures 1&4). The area of land marked as plot 4 is owned by [REDACTED] and the area of land marked as plot 3 is owned by [REDACTED]. Historic fishing rights form part of the deeds for plot 3, allowing West Drayton Angling Club to access this area via a locked gate.

[REDACTED] own a storage warehouse complex to the west of plot 6 which is let to individual tenants. [REDACTED] owns a number of plots of land in the Iver area and is a local business owner [REDACTED]'s business premises are based at Thorney Weir House, situated near the most northerly section of the proposed footpath.

3.0 Land ownership

A land registry search was undertaken to establish landownership for six plots of land affected by the proposed footpath route. The footpath is proposed to cross plots 1, 2, 3 and 4 and run adjacent to plots 5 and 6, marked on figure 4. The land ownership for each plot is shown in table 4. The full results of each land registry search are included in the appendix folder of this document.

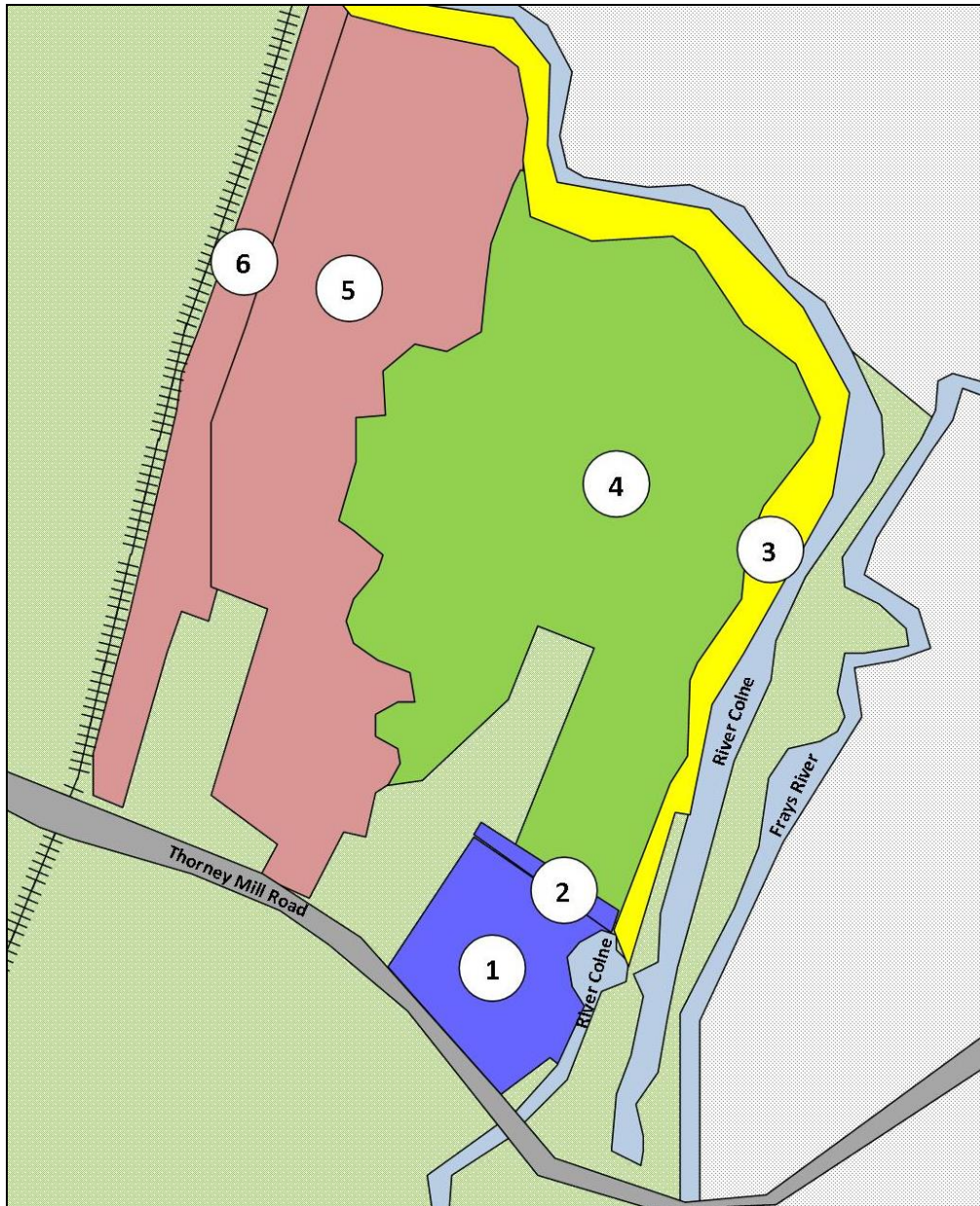


Figure 1: Map of land ownership

3.1 Land Ownership Details

Table 1: land ownership details

Plot	Title No	Landowner	Contact Details	Method of contact
1	AGL52 110			Site meeting with Countryside and Conservation Officer and RoW Officer.
2	AGL21 6667			Site meeting with Countryside and Conservation Officer and RoW Officer.
3	NGL20 225			Contacted via email by Iver Parish Council.
4	AGL10 1712			Contacted via post.
5	BM26 9527			Contacted via post.
6	BM35 8420			Contact not necessary as land is unaffected by footpath.

4.0 Proposals

4.1 Footpath

4.1.1 Proposed route of footpath

The proposed footpath route has been outlined by the Colne Valley Park CIC in consultation with local stakeholders. London Wildlife Trust, Iver & District Countryside Association, Hillingdon Group of the Ramblers Association, Iver Parish Council, Bucks County Council and the London Borough of Hillingdon.

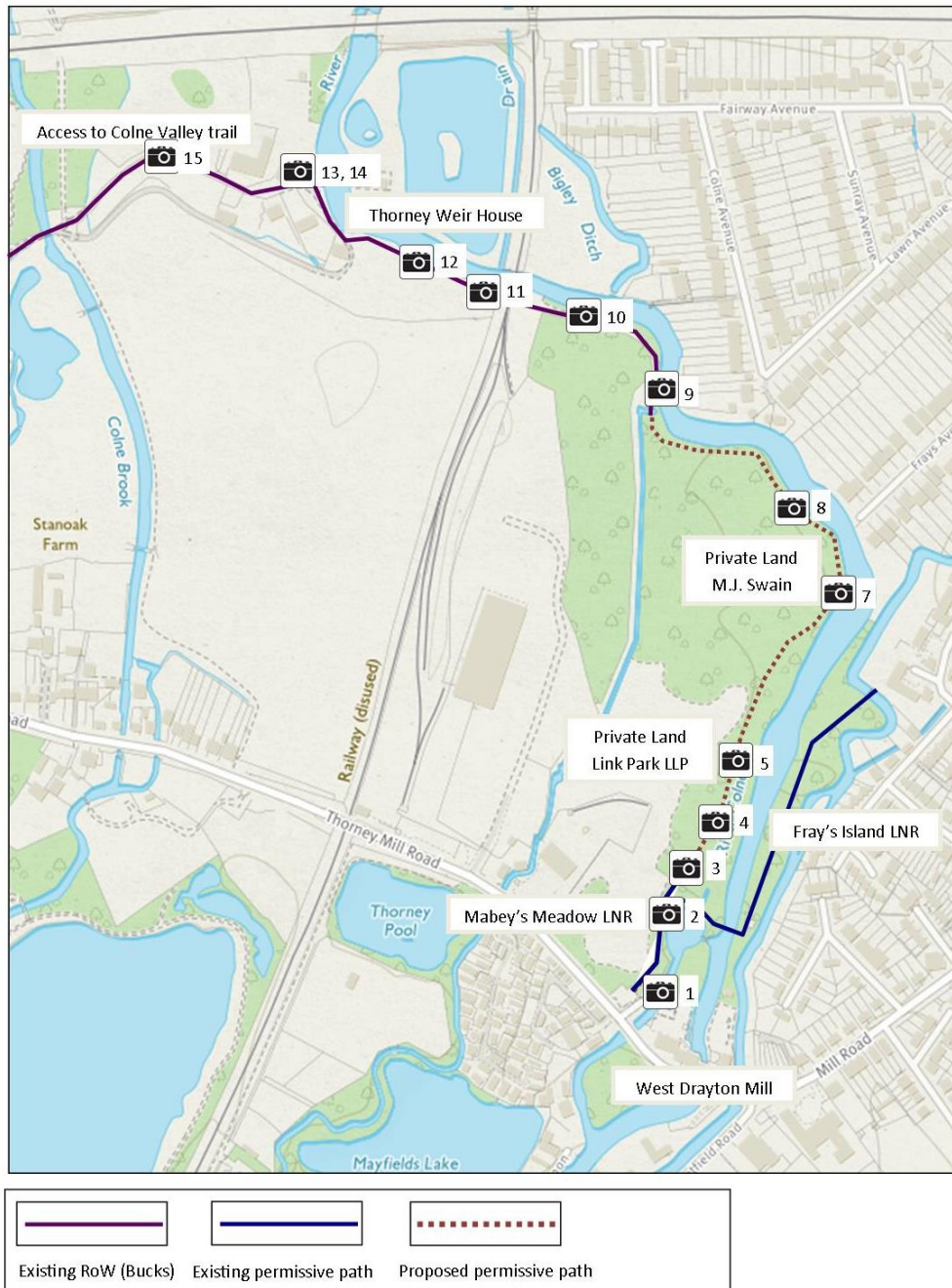

















Figure 2: Map of proposed footpath route and existing public right of way.

Table 2: Summary of proposed footpath route

Photo reference and description	Photo	Plots of land affected	Existing Public Right of Way (PROW)?
1. Meadow at site entrance.		1 & 2 Mabey's Meadow	No, but informal access allowed.
2. Link from proposed footpath route to Frays Island Nature Reserve		1 Mabey's Meadow	No, but informal access allowed.
3. Woodland area on northern side of Mabey's meadow.		4 [REDACTED]	No
4. Wetland and ditch area adjacent to river		4 [REDACTED]	No

<p>5. Existing route is used by ramblers but it is overgrown and in need of widening.</p>		<p>4 [REDACTED]</p>	<p>No</p>
<p>6. Trees requiring coppicing or removal near river channel.</p>		<p>3 [REDACTED]</p>	<p>No, but historic access rights exist for angling club.</p>
<p>7. Existing walking route adjacent to river channel.</p>		<p>3 [REDACTED]</p>	<p>No, but historic access rights exist for angling club.</p>
<p>8. View from proposed footpath to river channel.</p>		<p>3 [REDACTED]</p>	<p>No, but historic access rights exist for angling club.</p>
<p>9. Beginning of existing Bucks right of way (access currently slightly impeded by large pieces of broken concrete)</p>		<p>3 [REDACTED]</p>	<p>Yes. Public ROW (Bucks CC)</p>

<p>10. Remnants of former footpath along existing Bucks right of way.</p>		<p>3 [REDACTED]</p>	<p>Yes. Public ROW (Bucks CC)</p>
<p>11. Railway bridge crossing existing right of way.</p>		<p>3 [REDACTED]</p>	<p>Yes. Public ROW (Bucks CC)</p>
<p>12. Lawn area at TWH crossed by existing right of way but no signage present to direct site users.</p>		<p>[REDACTED]</p>	<p>Yes. Public ROW (Bucks CC)</p>
<p>13. Existing entrance/exit to TWH site.</p>		<p>[REDACTED]</p>	<p>Yes. Public ROW (Bucks CC)</p>
<p>14. Former damaged footpath signage at TWH, now replaced by Bucks County Council.</p>		<p>[REDACTED]</p>	<p>Yes. Public ROW (Bucks CC)</p>

<p>15. Track leading from TWH leading to Colne Valley Trail.</p>		<p>Land near Thorney Weir House owned by Bucks County Council.</p>	<p>Yes. Public ROW (Bucks CC)</p>
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4.1.2 Type of access

Two types of access have been considered for the site; a permissive path; a formal public right of way.

4.1.2.1 Public Right of Way

The most widely known right to cross private land is known as a 'right of way'. If this is a right granted to everyone it is a 'public right of way'. Rights of way can be on any land, including privately owned land. Landowners have the right to allow other uses of a highway they own or control, so for example they can drive a tractor along a footpath on their own land, or allow someone else to do so. The use of a public right of way may be temporarily or permanently restricted by a Traffic Regulation Order issued by a highway authority e.g. use prohibited for vehicles or bicycles. If the path is used for walking only, it is a public footpath. This is different from the pavement alongside a road, in that it means the whole width of the highway.

Public rights of way can come into existence through creation (either by order or by agreement made with the landowner) or dedication by the landowner (either expressly or by presumption):

Presumed dedication

This is the most common way that rights of way come into existence. There is a long established principle that long use by the public without challenge can constitute evidence that the landowner intended to dedicate the used route as a public right of way. Presumed dedication can take place by common law or statute law.

In terms of statute, the Highways Act 1980 provides for a period of 20 years for a right of way to become a highway but this does not stop a claim being made under common law with less time. The 20 years is calculated retrospectively from the date the right of the public to use the way is brought in to question.

Creation orders

Highways authorities and the Secretary of State can make a public path order, under the Town and Country Planning Act 1990, creating any type of right of way over a piece of land where they think it would add to the convenience or enjoyment of the

public. Such an order can also establish higher rights of use over an existing right of way. There is a set procedure for such an order which requires public consultation.

Creation Agreements

This is an agreement between the Highways Authority and a landowner, with public notice given.

Express dedication

A landowner decides unilaterally to dedicate a right of way and the public are deemed to have accepted the dedication if they begin to use the way. The highway authority may subsequently agree to adopt it i.e. take on liability for its maintenance.

4.1.2.2 Permissive Footpath

It is possible for landowners to allow access over their land without dedicating a right of way. These accesses are called permissive paths. To the user they are often indistinguishable from normal highways, but there are some important differences. The landowner can close off or divert the path if they wish to do so, without any legal process being involved and can make restrictions which would not normally apply to highways,

The use of the word “permitted” denotes that the landowner has given his or her permission for the use of the path, thus preventing the path acquiring the status of a public right of way.

To protect his or her position, the landowner should erect and maintain a notice at each entrance the path to make it clear that there is no intention that the path should become a public right of way. A user of a permitted path will be a ‘visitor’ for the purposes of the Occupiers Liability Acts 1957 and 1984, and will thus be owed a duty of care by the occupier: it is therefore advisable that the notices at the path entrances include a statement to the effect that people using the path do so at their own risk.

Consideration should nevertheless be given to the safety of users, including the condition of path surfaces, boundary fencing and potential safety hazards.

An example of a Permissive path agreement can be seen as Appendix A

4.1.2.3 Conclusion

Following discussion with the London Borough of Hillingdon Rights of Way officer it has been decided that a permissive footpath would be the most appropriate option for the site due to the following reasons.

- A permissive footpath is likely to be the most agreeable option for land owners as it gives them a degree of control over public access to their land.
- Implementing new public rights of way is time consuming and costly and they must be enforced and maintained by the relevant local authority.

- There are fewer management implications associated with a permissive path.

4.1.3 Footpath Construction

Hard and soft surfacing has been considered for the footpath route. Local stakeholders have been consulted in regards to their preferred footpath type and an appraisal of each surface type is included in London Wildlife Trust’s ecological recommendations report.

Both footpath types are evaluated below:

Table 3: Evaluation of footpath types

Footpath type	Pros	Cons
Hard	<ul style="list-style-type: none"> • Hard surfacing provides a permanent feature and prevents the footpath from becoming overgrown with plants. • The footpath is visible and feels safe. 	<ul style="list-style-type: none"> • The site is too waterlogged in certain areas to use hard surfacing or path types that require foundations. • Vehicle access is required to create a hard footpath. Site access is poor and additional tree works would be required to facilitate access. • Hard surfacing is more costly. • Hard surfacing is not in keeping with the sites aesthetic value.
Soft	<ul style="list-style-type: none"> • Compliments the aesthetic value of the site and its ‘wild’ nature. • Is suitable for waterlogged areas where hard surfacing is not appropriate. • Most appropriate for sites with sensitive ecology. • Significantly less expensive than hard path types. • A pathway is already available on site. This could be improved by conducting further vegetation clearance and the installation of appropriate signage. 	<ul style="list-style-type: none"> • More ongoing management required (vegetation clearance) in comparison to hard path types.

Soft surfacing is the preferred footpath type for the project site due to its aesthetic value, its affordability and due to its low impact on the sites ecology.

4.1.4 Signage and interpretation

In order to engage the general public with the surrounding landscape and to provide direction, signage and interpretation boards should be installed along the route of the footpath. It is recommended that the following signage is installed throughout the site:

Table 4: Signage and interpretation locations

Type	Location	Description
1. Finger post	Mabey's Meadow site entrance	Shows direction of footpath from site car park.
2. Interpretation board	Mabey's Meadow site entrance	Map with: walking routes in local area; site ecology including river wildlife; area history
3. Finger Post	Mabey's Meadow/Frays Island junction	Directs to Colne Valley Trail and Frays Island Nature Reserve.
4. Waymarker post	Adjacent to newly created pond	'Reinforcement ' signage to direct site users along new footpath route
5. Waymarker post	Adjacent to River Colne	'Reinforcement ' signage to direct site users along new footpath route
6. Waymarker post	Adjacent to River Colne and existing pond	'Reinforcement ' signage to direct site users along new footpath route
7. Waymarker post	Thorney Weir House	Clarifies walking route through Thorney Weir House.
8. Finger post	Point where Iver FP21 crosses the Colne Brook	Directs site users to/from new footpath to Colne Valley Trail.

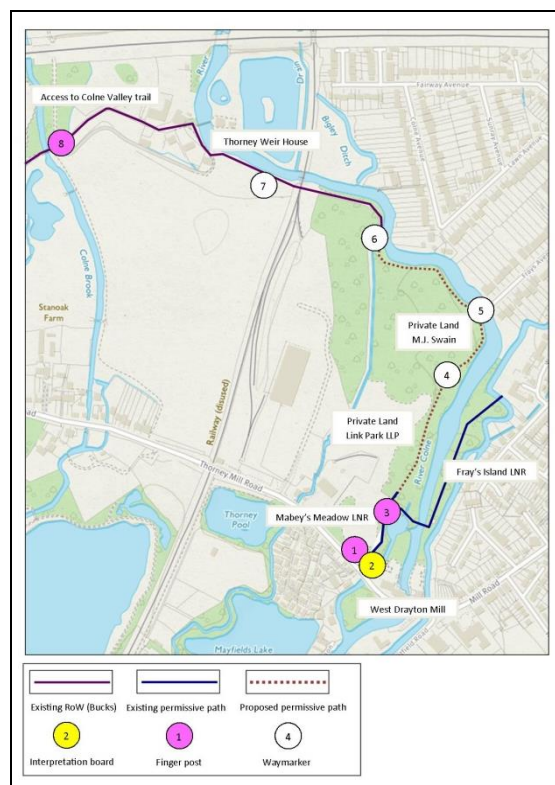


Figure 3: Map of signage locations

4.2 Ecological Enhancement Proposals

London Wildlife Trust have been commissioned to produce an ecological recommendations report for the project area (Waller, 2018). The report recommends that the following improvements are undertaken to improve the ecological value of the site:

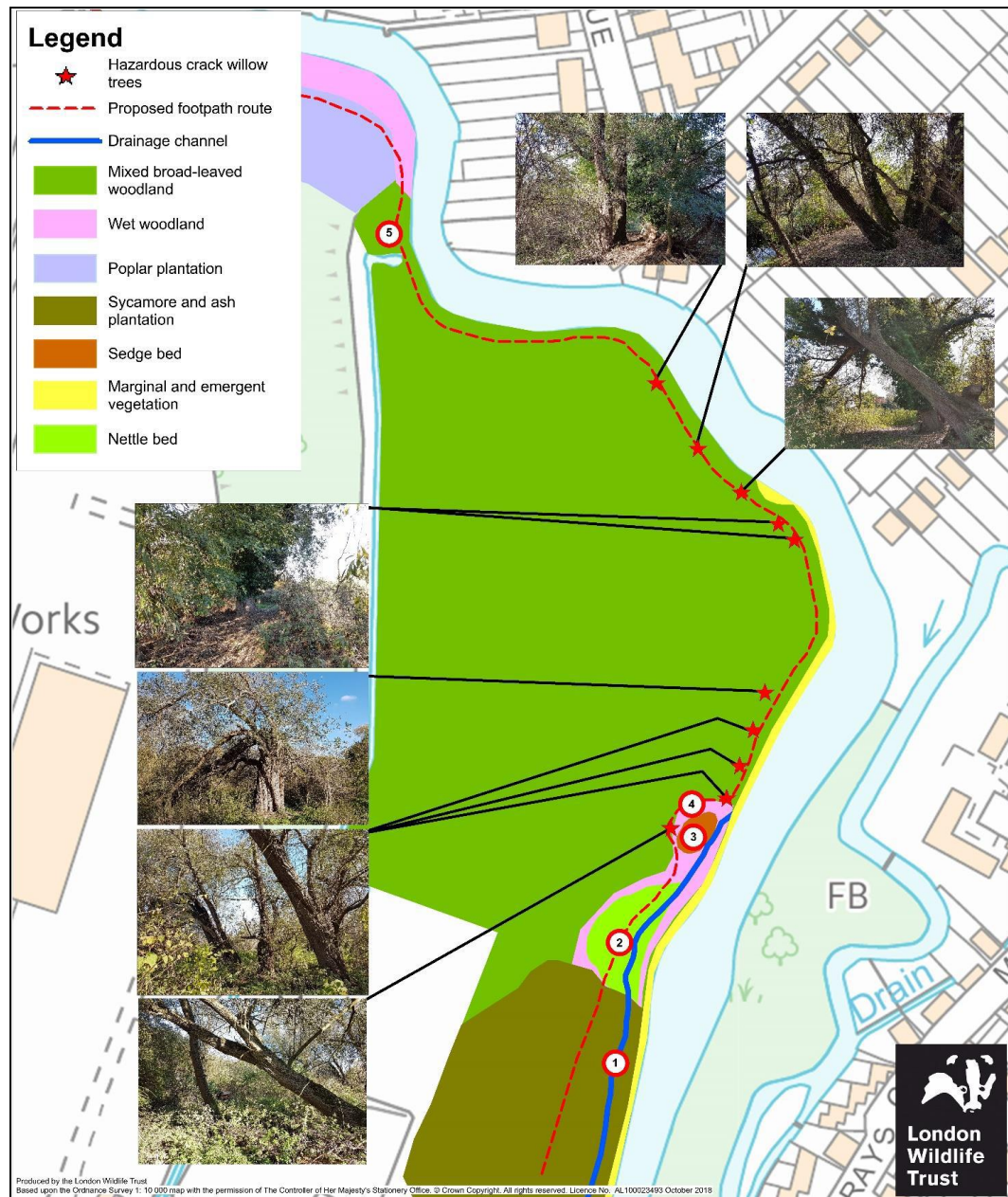







Figure 4: Map of proposed ecological enhancements

Table 5: Summary of ecological enhancements

Activity	Information	Photo	Plots of land affected.
1. Tree thinning and pollarding	Bankside trees should be removed or pollarded (if crack willow) along a 20m stretch of the drainage channel at the southern extremity of the proposed route to allow greater light penetration to the water and banks. This should encourage riparian vegetation to develop and spread.		3 [REDACTED]
2. Bankside clearance	The drainage channel is currently choked with nettle and other vegetation flopping into the water. To provide an opportunity for aquatic and/or semi-aquatic plant species to establish, the banks should be cleared back to expose the bare earth. Yellow flag could be planted to limit the inward growth of nettle and provide a nectar source in June and July.		3 [REDACTED] 4 [REDACTED]
3. Pond Creation	The sedge bed area is a natural opportunity to create a large pond bordered with existing aquatic vegetation. The area should be excavated to a depth of approximately 50cm. A border of one metre vegetation should be left. Extent of pond outlined in white below.		4 [REDACTED]

<p>4. Japanese Knotweed and Buddleia Removal</p>	<p>Both species should be completely removed from this area via felling and appropriate treatment to avoid spread.</p>		<p>3 [REDACTED] 4 [REDACTED]</p>
<p>5. Pond enhancement</p>	<p>The existing pond at the northern end of the proposed route should be selectively cleared of over-shading trees to allow light to reach the water surface and maximise the growth of aquatic vegetation. Limited desilting may also be preferable to increase the depth of the water and thus increase its suitability for amphibians.</p>		<p>3 [REDACTED]</p>

4.3 Estimated Budget

Item	Info	Delivered by	Cost
Project management	<ul style="list-style-type: none"> • Preparation of detailed briefs for contractors. • Appoint and supervise contractors • Production of site management plan • Production of funding strategy to ensure there is sufficient resource for the preferred agents to conduct site management works each year 	Local NGO/ Contractor	£500 £2,000 £1,500 £1,500
Tree clearance works	<ul style="list-style-type: none"> • Clearance of unsafe trees along footpath route • Clearance of trees along river corridor • Clearance of trees to facilitate access 	Contractor	£5,000 £2,500 £2,500
Environmental improvement works	<ul style="list-style-type: none"> • Bankside enhancement • Pond creation • Invasive species control • Pond enhancement 	Local NGO/ Contractor	£5,000 £15,000 £5,000 £5,000
Footpath creation	<ul style="list-style-type: none"> • Vegetation clearance • Design and installation of signage 	Local NGO	£1,000 £3,000
TOTAL			£49,500

5.0 Stakeholder Consultation

5.1 On Site Meetings

An initial site meeting was held with the following local stakeholders:

Stakeholder	Interest	Personnel	Position
The London Borough of Hillingdon	Landowner of Mabey's Meadow	Richard Kane Dragana Knezevic	Rights of Way Officer Countryside & Conservation Officer
Iver Parish Council	Local parish council	Carol Gibson	Councillor
Bucks County Council	Footpath authority to north of site	Jonathan Clark	Strategic Access Officer
London Wildlife Trust	Land managers of Mabey's Meadow	Roger Taylor Simon Hawkins Mike Waller	Hillingdon Local Group Reserves Officer Conservation Ecologist
Colne Valley Regional Park CIC	Site falls within CVRP	Paul Graham	Director
Iver & District Countryside Association The Ramblers Association	Site falls within Iver parish	Paul Graham	Chairman
Groundwork	Project manager	Tom White	Project Manager – Colne Rivers

The stakeholders represented at the meeting have a direct interest in the management of the project site or are the relevant authorities for enforcing rights of way in the area. Stakeholders were taken on a tour of the proposed footpath route and were asked to provide feedback on the following topics:

- The route of the path
- The form of access should be provided (formal or permissive footpath)
- The types of environmental improvements would be preferred

5.2 Contact by post and email

The following landowners were contacted via post and email in order to provide them with the details of our proposal and to ask them to engage with the consultation process:

1. ██████ (Plot 3).

2. [REDACTED] (Plot 4 & 5).

The letters sent to each stakeholder are provided in the appendix of this document.

5.3 Contact in person

One local resident was contacted in person due to the proximity of her property to the proposed footpath. [REDACTED] owns the property on the adjacent river bank to the Thorney Weir Compound. The compound is gated and [REDACTED] has to cross the route of the footpath in order to access [REDACTED]

5.4 Land Owner Responses

5.4.1 London Borough of Hillingdon (Plots 1 & 2)

The London Borough of Hillingdon are supportive of our proposals and agree the provision of a new footpath would provide improved access to the CVRP from West Drayton and Thorney. Hillingdon have specified they would support the provision of a permissive path as opposed to a public right of way in this area. A permissive path has fewer management implications than a public right of way.

5.4.2 [REDACTED] (Plot 3)

[REDACTED] has been contacted via email by Iver Parish Council and via post by the Project Manager. [REDACTED] have responded to say that they are not supportive of a new footpath across their property and have refused to have any further meetings with us.

5.4.3 [REDACTED] (Plots 4 & 5)

The only contact details available for [REDACTED] are those registered at Companies House. This has meant that the landowner has only been contactable by post (*see appendix folder*). We have received no response from the landowner and have no other means of contacting them.

5.4.4 Buckinghamshire County Council (Iver FP21)

Bucks County Council manage the existing public right of way to the north of the project area (Iver FP21). They have been aware of the 'dead link' the right of way provides for some time and are supportive of the creation of the new footpath we have proposed. Bucks County Council have made us aware that the existing right of way is rarely used due to the fact it is currently a dead end. As a result of its lack of use, the landowners may not be supportive of the creation of links further west and the council may need to take enforcement action. We have provided Bucks CC with photographs of the condition of the exiting right of way so they can begin to consider how to improve access in this area and enforce the public right of way.

5.4.5 [REDACTED] Thorney Weir House

[REDACTED] [REDACTED] was visited by the Project Manager in person. [REDACTED] explained that she would not be supportive of the creation of a new footpath or the enforcement of the existing right of way running adjacent to her property. [REDACTED] main concern was site security. Given that the footpath would run adjacent to private dwellings and outbuildings, [REDACTED] felt that site security would need to be increased to prevent burglary or trespassing on other areas of the site.

█ suggested that the footpath could avoid the Thorney Weir site by entering Thorney Park Golf Course and linking onto existing rights of way, including the Colne Valley Trail, elsewhere on site.

Moving the existing path onto another landowners site will not be possible as Bucks County Council have no benefit from going through the complicated path diversion process and should they do so this will almost certainly result in legal challenge from the landowner and the Ramblers Association.

Opportunities to address the perception of site security can take place through further discussions to explain the benefits of 'self policing' of legitimate access along the existing path. Opportunities could also be taken to look at reducing the perception of security issues through landscape and planting works.

5.5 Local Stakeholder Responses

5.5.1 London Wildlife Trust

London Wildlife Trust are supportive of our proposals. The provision of a new footpath would provide improved access to the two nature reserves they manage on behalf of the London Borough of Hillingdon. London Wildlife Trust volunteers would also be able to help maintain the pathways passing through their reserves.

The footpath project will also facilitate environmental improvement works which will contribute to improve the habitat quality on these sites and will also improve their connectivity with surrounding landscape.

5.5.2 The Ramblers Association

The Ramblers Association are supportive of our proposals and would like to see a new footpath created in this vicinity.

5.5.3 Iver and District Countryside Association

Iver and District Countryside Association are supportive of our proposals and have offered to assist with the maintenance of the proposed footpath if it is created.

5.5.4 Iver Parish Council

Iver Parish Council are supportive of our proposals as they will improve access to/from other green spaces in Iver from the town of West Drayton.

6.0 Conclusions & recommendations

A permissive path is preferential over a formal public right of way as it is more sympathetic to the requirements of local landowners and local authorities. This would enable land owners to prohibit access at agreed times. Local authorities rarely pursue the creation of new rights of way due to the management and enforcement implications associated with them and therefore a permissive path is the most suitable option for this area.

Soft surfacing should be used for the footpath as it is most in keeping with the surrounding landscape and the site's ecology. This option is also far less costly than building a footpath with hard surfacing.

In addition to the creation of the footpath five ecological enhancements have been identified in order to improve both aquatic and terrestrial habitats in the project area. The habitat improvements should be implemented at the same time the path is created so that the two activities complement each other.

Finger posts and interpretation boards should be installed throughout the site in order to bring local ecology and history to the forefront of site user's attention. Maps showing the location of the new footpath within the CVRP should also provide information regarding access to sites to the north and south of West Drayton.

The proposals are well supported by the two local authorities that own land in the project area and by local stakeholders who regularly use the site or are involved with its management (London Wildlife Trust, The Ramblers Association, Iver and District Countryside Association, Iver Parish Council). Our proposals are supported for the following reasons:

- Improved access to existing walking routes in the CVRP from the towns of West Drayton and Thorney.
- Improved access to London Wildlife Trust Nature Reserves.
- Improved site management for the benefit of local people and wildlife.
- The restoration of a 'dead link' in between two areas of public access.
- Improved public engagement in regards to local ecology and history.

In contrast to this, the concept of a permissive path has been dismissed by the relevant private landowners in the project area. Private landowners are opting not to engage with us at the present time for the following reasons:

- Concerns regarding privacy and site security.
- There is no statutory obligation to respond to our consultation exercise.
- Public access may affect future land use.

The proposed path will be identified in the forthcoming Colne & Crane Green Infrastructure Strategy which will present a 50-year vision for Green Infrastructure in the local area. This

strategy will be used to inform project development and fundraising activity in the Colne Valley Regional Park. The vision will also be linked to the Local Plans and can be used to seek developer contributions to mitigate and compensate for the impacts of development proposals on the environment and local communities. In this way there may be opportunities to implement this path either through

- a) agreement with the landowners themselves who may in future wish to develop their land and will discuss mitigation proposals via Section 106 agreement with the local authority: or
- b) negotiated purchase of the land using funds from a third party who may have proposals for significant development nearby in the Colne Valley Regional Park.

Alternative route

There is a possible alternative route avoiding Swain's land entirely. The path past Thorney Weir House, under the railway, and onwards for several hundred metres to the county boundary with Hillingdon, is already a public footpath in Buckinghamshire (Iver FP21), although it is on █████ land. However, at the county boundary, it would then be possible to move the path five metres away from the river (and parallel to it) on █████ land all the way towards Mabey's Meadow. This alternative is between points 4 and 5 on the map Figure 4 above. Although it would mean a section of the new route would not be on the river bank, the river would still be visible from it. An advantage is only having to deal with one landowner, █████, which may be more amenable to a Section 106 agreement should development be proposed, or perhaps to the purchase of a strip of land.

Appendix

Please see the appendix folder for the following documents:

- Title plans for all plots of land within the project area.
- Title registers for all plots of land within the project area.
- Letters and correspondence with landowners within the project area.
- Example of Permitted Path Agreement between a landowner and an amenity group or other organisation.