

**Date:** 03 March 2022

**Title:** Report Item 7 – Business in Progress

**By:** K Larkin (Parish Clerk)

**Purpose:** To provide an update on progress since the February meeting

**Recommendations:** To note the report by the Clerk

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The following is a matter for decision:

- Renewal of A259 sign board for village shops – to approve a quotation of £70 for repainting this sign, which was originally provided by the parish council and has become illegible.

The following are matters for report:

- Electric vehicle charging points and car park lighting – the chair has written to District Cllr Lunn cc District Cllr Galley (Portfolio Holder) to support WDC's initiative and argue for East Dean village car park to be included in the first phase of installations in the district
- The Risk Management Strategy as revised and adopted at the February council meeting has been reissued to councillors. There is a statement in paragraph 7.1 about the use of anti-viral spray at the play area which may not be required this summer.
- The Emergency Plan as revised at the February meeting has been reissued to councillors, but is still missing some contact information in Appendix 3. When this is available it will be republished. Appendix 4 with confidential contact details of residents who would be willing to be called on in an emergency e.g. to provide first aid, is to be supplemented by advice from the council's insurers about their insurance cover in such a situation, and enquiries are ongoing. When complete this will be issued only to serving councillors.

The following matters are still being pursued

- Flint wall in Downlands Way – the Hon. Solicitor is obtaining an update of title from the Land Registry. He has also advised that 'ownership on the one hand and the obligation to maintain (a wall) on the other, do not always go hand in hand. Where a wall is supported by or lends support to an adjoining structure the Party Walls Act is likely to come into play. The legislation was drafted on the footing that it would involve the instruction of a "party wall Act surveyor" - where, therefore, the Act is likely to apply it is generally necessary to seek the advice of a surveyor who undertakes such work.'
- Passing Place in Downs View Lane – this is to be pursued as agreed at the February council meeting
- Footpath 26a/27 – the potential loss of these rights of way which should be accessed over the driveway of Birling Manor has been raised again with the county council, citing concerns over the possible implications of the number of years that have elapsed since the official

access point was obstructed. ESCC officers have met the landowners on site and it has been agreed in principle that the owners will undertake works to reinstate the bridleway on its correct line. This will involve the removal and relocation of the fence that currently restricts the path to the verge alongside the flint wall, and reinstatement of the path on the line of the old driveway. However, it has also been agreed that the junction with the road is probably best maintained where it currently is, as there is better visibility at that point, rather than it emerging on to the road where the centreline of the old driveway would have been. The work is intended to be done by the end of March. There is no “four year rule” with regard to public rights of way, and no public right of way can be extinguished simply through lack of use or obstruction. Should anyone wish to apply for the closure of a public right of way they must apply for an official extinguishment order using the Highways Act 1980. It is very rare that any such application is accepted as it must be proven that the path is not needed for public use. Any path that is not in use due to obstruction would be treated as an obstructed path and the landowner contacted accordingly. With regard to the parish council’s query about walkers being entitled to walk the driveway by way of climbing over or through a hedge, the legally recorded line of the public right of way remains over the original line of the driveway which is now overgrown. The public are entitled to walk on this line. This is the line which the landowner will be re-instating, removing the overgrowth to restore access.

- Footpath 5 (Friston Forest) – a reminder has been sent to the ESCC Rights of Way team about the state of this path, as there are safety issues particularly over the flight of steps on this right of way. Photos have been supplied and ESCC has referred the matter to their rangers for inspection, following which any necessary works will be carried out. Recommendations were also made for the improvement of the signage.
- Tree safety survey and insurance – an enquiry was sent last summer to the Highway Land Information team at county hall regarding the ownership and responsibility for maintenance of the trees at Friston Green which stand on the highway verge. The Team has now responded with a plan indicating the adopted public highway in the vicinity of Friston Green, which includes some areas of verge. The public has a right to pass and repass over these and they are maintainable at public expense. The County Council do not need to own land for it to be considered part of the highway, and highway rights would take precedence over land ownership. They consider there to be a margin of highway around almost all the areas of the old Friston Green (which is now dissected by roads). The exception to this a small area at the east of the Church (Crowlink Lane) which is regarded completely as highway.