

## Regulatory Committee

Meeting to be held on 13 March 2019

Electoral Division affected: Rossendale West
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### Highways Act 1980 – Section 25

**Proposed Public Path Dedication Agreement to widen part of Footpath Haslingden 386 and to create a public footpath between Footpath Haslingden 386 and Footpath Haslingden 395, at Raven Shore, Helmshore, Rossendale**

(Annex 'B' refers)

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### Executive Summary

Proposed creation by agreement of a publically maintainable footpath to widen a 185 metre section of existing Footpath Haslingden 386 to 3 metres at Raven Shore, Helmshore and to create a new 30 metre section of publically maintainable footpath between Footpath Haslingden 386 and Footpath Haslingden 395.

### Recommendation

- (i) That the proposal for a Public Path Creation Agreement to dedicate an extended width of footpath along 185 metres of Footpath Haslingden 386, at Raven Shore, Helmshore, be accepted.
- (ii) That the proposal for a Public Path Creation Agreement to dedicate a new section of footpath between Footpath 386 and Footpath 395, at Raven Shore, Helmshore, be accepted.
- (iii) That a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980 between the owner of the land of Footpath Haslingden 386 and Lancashire County Council to dedicate a length of footpath marked in pink on the attached map and annotated A-B-C.

### Background

Footpath Haslingden 386 is a popular recreational route connecting Holme Vale, Raven Shore and Irongate Lane in Rossendale. The surface of the footpath has been eroded and has deteriorated significantly since the start of 2016 meaning that it is now in a poor condition and difficult to use. It is understood that the damage to the surface of the path is being caused by a blocked culvert to the south resulting in significant amounts of surface water running over the path surface scouring it out.

There is now funding available to improve the path through the East Lancashire Cycleway project. It is proposed that the county council will tackle the existing drainage problems, widen a 185 metre long section of the footpath from its recorded width varying between 1.5 and 2.5 metres to a consistent width of 3 metres and install a new 3 metre wide surface constructed using of a mix of recycled tyres and aggregate, also known as flexible paving. This surfacing gives a softer feel than tarmac and is porous which helps prevent ice formation in winter. It is suitable for pedestrians, cyclists and horse riders and has been used recently on other sites in Rossendale with very positive feedback received from all users so far.

It is also proposed to dedicate a new section of 3 metre wide footpath between Footpath Haslingden 386 and Footpath Haslingden 395 for a distance of 30 metres. This section is an existing concessionary path and is also proposed to be surfaced with the aforementioned flexible paving, providing a connection to the existing Holme Vale bridleway bridge.

The dedication of the additional width of path and new section of path will allow for these improvements to take place with the intention that the route is to be a bridleway. However, at the current time its status will remain as footpath only as the current Definitive Map Modification Order application to record a bridleway along Irongate Lane (Haslingden 387) is yet to be confirmed. The county council shall therefore, in the Public Path Creation agreement with the landowner, ensure that the route is dedicated for other use classes, including bridleway use. The long term aspiration is for this route to be a bridleway. However, this is dependent on the current Definitive Map Modification Order application to record a bridleway along Irongate Lane (Haslingden 387) being confirmed.

It is proposed that the Terms of the Agreement are entered into (signed) by the county council and the landowner to enable the improvements to the route to take place.

## Consultations

Section 25 of the Highways Act 1980 requires that the county council shall consult any other local authority in whose area the proposal is situated. Accordingly, the necessary consultations have been carried out with Rossendale Borough Council and at the time of writing, no objection regarding the proposal has been received.

## Advice

Points annotated on the plan

Point	Grid Reference	Description
A	SD 7837 2072	Junction of Footpath Haslingden 395 and the existing concessionary path adjacent to the south east side of Holme Vale bridleway bridge
B	SD 7840 2071	A point on the south west edge of Footpath Haslingden

		386 at a junction with the existing concessionary path approximately 35 metres ESE of south east side of Holme Vale bridleway bridge
C	SD 7855 2060	A point on the south west edge of Footpath Haslingden 386 approximately 15 metres north of a junction with Footpath Haslingden 396

### Description of Proposed Footpath

Footpath as described below and shaded pink and marked A-B on the attached map.

FROM	TO	COMPASS DIRECTION	LENGTH (metres)	WIDTH	SURFACE
A	B	ESE	30	3 metres	Rubber & aggregate (Flexible surfacing)
B	C	SE	185	Increase width on the south west edge of Footpath Haslingden 386 as necessary to provide an overall total width of 3 metres	Rubber & aggregate (Flexible surfacing) with a bollard at point B
Total length of footpath to be created:			215		

### Officers' assessment of the proposal against the legislative criteria for entering into a Public Path Creation Agreement.

Section 72 of the Highways Act 1980 gives the highway authority the power to widen any highway by agreement for which that highway authority is responsible, by reason of being the local highway authority. That section also empowers the County Council to enter into a Public Path Creation agreement under Section 25 of the Highways Act 1980, with a freehold owner for the dedication of a footpath, bridleway or restricted byway. The purpose of this provision is to ensure dedication of land that is necessary or beneficial, since the dedication of a route under Section 25 becomes maintainable at public expense.

This proposal is considered to be a benefit to the public in view of the fact that it improves the network of public rights of way for pedestrians between Holme Vale and Raven Shore, Helmshore and improves future transportation links for cyclists. If confirmed, the Public Path Creation Agreement will allow the existing, badly damaged surface of Footpath Haslingden 386 to be repaired and widened from its current width to a consistent width of 3 metres along this 185 metre long section between points B and C on the attached map. If the Public Path Creation Agreement is approved for the new section of footpath between Footpath Haslingden 386 and

Footpath Haslingden 395 (between points A and B on the attach map), this will also help to formalise the use of this section of path which currently is used only on a concessionary basis.

The proposed Public Path Creation Agreement, if confirmed, appears not to have any adverse effect on the needs of agriculture and forestry and desirability of conserving flora, fauna and geological and physiographical features. It is also suggested that the proposal will not have an adverse effect on the biodiversity or natural beauty of the area.

The land crossed by the proposed footpath is in the registered ownership of CRJ Trustees Limited. The proposed creation is by means of a dedication agreement, and therefore there will be no compensation payable as a consequence of the coming into operation of the Public Path Creation Agreement.

It is also advised that the needs of the disabled have been actively considered and as such, the proposal is compatible with the duty of the county council, as a Highway Authority, under The Equality Act 2010 – formerly the Disability Discrimination Act 1995 (DDA). The route will be of adequate width and when the improvements been carried out and the new surface will significantly increase the accessibility of the route for users with mobility issues.

Further, it is also advised that the effect of the Order is compatible with the material provisions of the county council's 'Rights of Way Improvement Plan' in that it will be working towards improving access for pedestrians, equestrians and cyclists in Lancashire.

### **Financial Implications**

It is proposed that the county council will carry out improvements to the route to create a 3 metre wide path that will be suitable for use by pedestrians and also the proposed future use by means of an upgrade to bridleway status, or on a concessionary basis, to equestrians and cyclists. These improvements will be funded through the existing East Lancashire Strategic Cycleway project with funding from the Lancashire Growth Deal and the LCC Capital Programme.

The landowner is in agreement with this creation of a right of way and has agreed not to take a consideration payment for this Public Path Creation Agreement under section 25 of the Highways Act 1980. As additional land is being dedicated, it requires the landowner to enter into a legal agreement to dedicate the 3m wide route, the county council has agreed to pay the landowner's reasonably incurred legal costs to formalise the agreement.

As soon as may be after the dedication of a public right of way in accordance with a Public Path Creation Agreement, Lancashire County Council is required to give notice of the dedication by publication in a local newspaper circulating in the area in which the land to which the agreement relates is situated. The cost of the advertisement is expected to be in the region of £200.

It is proposed that the cost of the newspaper advertisement will be borne by Lancashire County Council.

### **Risk Management**

Consideration has been given to the risk management implications associated with this proposal and based upon relevant information contained in the report, there are no significant risks associated with the decision-making process.

### **Alternative options to be considered**

- To agree that the county council enters into an agreement with the landowner of the 185 metre section of Footpath Haslingden 386 and 30 metre of the concessionary route for the creation of a publicly maintainable footpath and bears the cost of the site improvements and the cost of the newspaper advertisement.
- To not agree that the county council enters into an agreement with the landowner of the 185 metre section of Footpath Haslingden 386 and 30 metre of concessionary route for the creation of a publicly maintainable footpath and the route remains unimproved.

### **Local Government (Access to Information) Act 1985**

#### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
File Ref: 211-711		Mr R Halliday,
File Ref: PRW 14-02-386		01772 530652 /
		07791 465587

Reason for inclusion in Part II, if appropriate

N/A