

Regulatory Committee

Meeting to be held on 13 March 2019

Electoral Division affected:
Rossendale West,
Rossendale South

Highways Act 1980 – Section 25

Proposed Public Path Creation Agreement for a Public Footpath along the former railway cutting from Irongate Lane (Haslingden 387) to Lumb Viaduct, Irwell Vale, Rossendale Borough

(Annex 'B' refers)

Contact for further information:

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Executive Summary

Proposed creation by dedication agreement of a publically maintainable footpath along the former railway line between Irongate Lane (Haslingden 387), and Lumb Viaduct, Irwell Vale, Rossendale Borough.

Recommendation

- (i) That the proposal for a Public Path Creation Agreement to dedicate a length of footpath along the former railway line at Helmshore, Rossendale connecting to Irongate Lane to Lumb Viaduct be accepted.
- (ii) That a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980, between the owner of the land south of Irongate Lane to Lumb Viaduct and Lancashire County Council to dedicate a length of footpath as shaded pink on the attached map and marked A-B.

Background

The section of former railway cutting north of Lumb Viaduct connecting to Irongate Lane (currently recorded as Footpath Haslingden 387) has been used in recent years by pedestrians. This use has increased significantly since 2015 when the landowner, Railway Paths Limited carried out improvements opening up public access to Lumb Viaduct to the south and the railway cutting to the north became a through route rather than a cul-de-sac.

A creation of a footpath would secure a public right of way for pedestrians and connect the existing Irongate Lane to Lumb Viaduct which is considered to be a place of public resort. Lumb Viaduct is a Grade II listed building that crosses the

River Irwell and commands views along the Irwell Valley as well as to the surrounding moorland beyond. The area is very popular with walkers and across the viaduct and to the south, a tarmac surfaced concessionary path is in place that provides a connection to Irwell Vale village and to Strongstry village near Ramsbottom. The creation of a public footpath to the north of the viaduct will improve public access to this route, the existing public rights of way network and the wider countryside.

Whilst it is currently the intention for this route to be dedicated as a footpath, the longer term aspiration is that it is upgraded to a bridleway. However, this is dependent on the current Definitive Map Modification Order application to record a bridleway along Irongate Lane being confirmed. The agreement under Section 25 of the Highways Act 1980 will therefore be made to the effect that the dedication will be for all purposes, subject to legislative provisions. As such, the matter would not need to be revisited if the order referred to above is confirmed.

The dedication of the route will enable improvements to be made to the existing path surface. It is currently a mix of grass and stone with a trodden width of less than 1 metre and in places it can become waterlogged and muddy. The proposal is to create a 3 metre wide surfaced path along the length of this section (approximately 540 metres) with the path constructed 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.

Irongate Lane is located on unregistered land and it has not been possible to identify a land owner. However, as the lane is an existing right of way the county council, as highway authority, are able to use it as an access for construction vehicles to carry out improvements to the proposed route on the disused railway.

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 7896 1983	Point immediately north of metal bollards at the northern end of Lumb Viaduct

B	SD 7889 2037	Junction with the east side of the disused railway and Irongate Lane (Haslingden 387) adjacent to the field gate.

Description of Proposed Footpath

Footpath as described below and shown by a bold broken line A-B on the attached map.

FROM	TO	COMPASS DIRECTION	LENGTH (metres)	WIDTH (metres)	SURFACE
A	B	NNW	540	3	Rubber & aggregate (Flexible surfacing)
Total length of footpath to be created:			540		

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

Under Section 25 of the Highways Act 1980, the county council may enter into an agreement 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 Lumb Viaduct and Haslingden 387 (Irongate Lane) to the north and further afield between the settlements of Irwell Vale and Strongstry to the east and Holme Vale to the north. It is hoped that the route would improve transportation links for cyclists in the future, with the agreement covering future cycle and equestrian use.

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 Railway Paths 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. The route will be of adequate width and when the improvements take place, the ramp at the northern end up to Irongate Lane will comply with Sustrans standards with a series of 10m ramps at a gradient not exceeding 8% with short landing areas in between.

Furthermore, 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 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, horse riders and cyclists in future. These improvements will be funded through the existing East Lancashire Strategic Cycleway project with funding from the Lancashire Growth Deal and the Lancashire County Council Capital Programme.

The landowner is in agreement with this creation of a right of way and has agreed not to take consideration payment for this Public Path Creation Agreement made under Section 25 of the Highways Act 1980. A contribution has been made from the project budget towards the owners' legal costs including in connection with formalising 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. The Committee is advised that, provided the decision is taken in accordance with the advice and guidance is 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 section of former railway from Lumb Viaduct to Haslingden 387 (Irongate Lane) 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, of the section of former railway from Lumb Viaduct to Haslingden 387 (Irongate Lane) for the creation of a publicly maintainable footpath and the route remains unimproved and with no recorded status.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
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File Ref: 211-710		
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File Ref: PRW 14-03-000		
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Reason for inclusion in Part II, if appropriate

N/A