

Regulatory Committee

Meeting to be held on 5th February 2014

Electoral Division affected: Chorley Rural West
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Highways Act 1980 – Section 25

Proposed Creation by Agreement of a Public Footpath at Twin Lakes Industrial Estate, Croston, Chorley Borough

(Annex 'B' refers)

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Executive Summary

Proposed Creation by Agreement of a length of Public Footpath at Twin Lakes Industrial Estate, Croston, Chorley Borough.

Recommendation

1. That the proposal for the creation by Agreement of a length of public footpath at Twin Lakes Industrial Estate, be accepted.
2. That a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980 between George Henry Ruttle, Thomas Keith Ruttle, Arthur William Ruttle and Kathryn May Baker and Lancashire County Council, to create a length of public footpath at Twin Lakes Industrial Estate shown by a bold dashed line and marked A – B on the plan.

Background

A draft Section 25 Public Path Creation Agreement ("Agreement") has been agreed with the freehold owners George Henry Ruttle, Thomas Keith Ruttle, Arthur William Ruttle and Kathryn May Baker to dedicate a length of public footpath to link two parts of a diverted route of Public Footpath No. 1 Croston, between A – B ("Proposed Creation Route") as shown on the attached Plan ("the Plan") by a bold dashed line.

Public Footpath No. 1 Croston was diverted by an Order made in 1996 (see Appendix 'A' to this report) by Chorley Borough Council under the Town and Country Planning Act 1990 Section 257 to run around the eastside of the Industrial Estate ("the Diverted Route") as can be seen on the Plan.

The 1996 Order has been confirmed but at the present time is incapable of being certified as the Diverted Route has not been provided to an acceptable standard. In particular, to provide an acceptable public footpath on the Diverted Route would require the installation of two bridges or the construction of a long length of large culvert between points A and B shown by a thin dashed line on the attached plan.

The Proposed Creation Route runs approximately parallel to part of the Diverted Route. It is not clear how part of the Diverted Route came to be shown across a drain on the Chorley Borough Council Town and Country Planning Act Order plan. The Proposed Creation Route will provide a footpath that will not require the installation of bridges or the construction of a large culvert. The Proposed Creation Route is currently in use by the public as a footpath and provides a secure, safe and convenient route for the public.

It is the case that adoption of the Proposed Creation Route takes place on completion of the Agreement. The Agreement has been signed by the freehold owners and the County Council is holding the Agreement to its order and will not complete until Chorley Borough Council is able to confirm the extinguishment of part (A – B) of the Diverted Route and the remainder of the Diverted Route is certified as being in an acceptable condition to become maintainable as a public footpath by Lancashire County Council.

The Agreement states that no consideration payment will be made to the Owners for the Proposed Creation Route.

Consultations

Section 25 of the Highways Act 1980 requires that the County Council shall consult any local authority in whose area the proposal is situated. Accordingly, the necessary consultations have been carried out with Chorley Borough Council and Croston Parish Council with no objection regarding the Proposed Creation Route.

Advice

Points annotated on the plan

Point	Grid reference	Description
A	SD 4849 1896	A point on the Diverted Route of Public Footpath No. 1 Croston approximately 350 metres south east of the junction with Brickcroft Lane (X4163)
B	SD 4845 1896	A point approximately 8 metres east of the Twin Lakes perimeter fencing

Description of the Proposed Creation Route

From point A, the Proposed Creation Route runs generally west along the top of the ditch bank for a distance of approximately 50 metres. Presently the Proposed Creation Route is not surfaced and is being used by members of the public.

The width of the proposed path will be 2 metres.

The Proposed Creation Route is not subject to any limitations or conditions.

Criteria Satisfied to enter 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 that only useful suitable routes need be accepted by the Highway Authority, as a route dedicated under Highways Act 1980 Section 25 become maintainable at public expense.

The Proposed Creation Route is considered to be a benefit to the public in securing a safe and convenient alternative route on the edge of Croston village. The proposal negates the need for the installation of either two substantial bridges or a long length of large culvert that neither the County Council, landowner nor Chorley Borough Council are willing to install or take responsibility for future maintenance.

It is advised that the Proposed Dedication Route will have no adverse effect on the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. It will have no adverse effect on conserving biodiversity or the desirability of conserving the natural beauty and amenity of the area.

As the Proposed Creation Route is by means of an Agreement, there will be no compensation payable as a consequence of the coming into operation of the Agreement.

It is 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. In particular, the proposal will provide a 2 metre wide footpath with no limitations or conditions between points A – B.

It is also advised that the effect of the proposed Agreement is compatible with the material provisions of the County Council 'Rights of Way Improvement Plan', in particular Policy RMV12-2 whereby the Local Authority "Aspire to meeting the British Standard for gaps, gates and stiles BS5709, subject to consideration of landowners requirements, the local character and the accepted practice at any location." In this instance BS5709:2006 has been applied and no limitations are proposed on the length A – B.

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 noted in Annex B elsewhere on the Agenda, and is based upon relevant information contained in the report, there are no significant risks associated with the decision-making progress.

Alternative options to be considered –

- To not agree that the County Council enters into an agreement with the landowners for a publicly maintainable footpath to be created by Agreement.
- To agree that the County Council enters into an agreement with the landowners for the creation of a publicly maintainable footpath.
- To request that Officers take steps to open the Definitive line of Public Footpath No. 1 Croston through Twin Lakes Industrial Estate.

- To request that a further diversion Order is made although members of the Regulatory Committee should be aware that Network Rail have stated that it would object to a route running parallel to the railway line.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Tel
File ref PRW 09-11-01		Mr S D Williams 01772 533886

Reason for inclusion in Part II, if appropriate
N/A