

Regulatory Committee

Meeting to be held on 14 May 2014

Electoral Division affected: Rossendale East

Highways Act 1980 – Section 26

Wildlife and Countryside Act 1981 - Section 53A

Proposed Creation of a Public Bridleway from Rakehead Lane to Blackwood Road, Stacksteads, Bacup, Rossendale Borough.

(Annex 'B' refers)

Contact for further information: Ros Paulson, 01772 532459, Environment Directorate. ros.paulson@lancashire.gov.uk

Executive Summary

The proposed creation of a Public Bridleway over land at Stacksteads, Bacup, Rossendale Borough.

Recommendation

1. That subject to the written confirmation from Rossendale Borough Council of their agreement as landowners, an Order be made under Section 26 of the Highways Act 1980 to create a Public Bridleway from Rakehead Lane to Blackwood Road, Stacksteads, Bacup shown by a bold broken and dashed line and marked A-B-C-D-E-F on the attached plan.
2. That in the event of no objections being received, the Order be confirmed and in the event of objections being received the Order be sent to the Secretary of State and promoted to confirmation if necessary at a public inquiry.
3. That provisions be included in the Order such that it is also made under Section 53A of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way in consequence of the coming into operation of the Order to create a Public Bridleway over land at Stacksteads, Bacup, Rossendale Borough.

Background.

The proposed Creation Order is part of the 'Routes around Rossendale' project that is coordinated by Proffitts - Investing in Communities, 53 Deardengate, Haslingden, Rossendale and is funded by Natural England's Paths For Communities Programme and the Lancashire Environmental Fund. It aims to encourage people to explore the countryside on their doorstep in Rossendale by foot, bicycle and on horseback by providing a multi user path along a section of disused railway in Stacksteads and signposting 8 circular paths on existing rights of way around Rossendale. The

proposed Public Bridleway will also form a link in the 'Rossendale and Rochdale Greenway and Cycling Route' proposal that aims to create a 20km off road link between Rawtenstall and Rochdale for use as a commuter and recreational multi user route.

The works to construct the multi user route are now substantially complete but a requirement of the grant funding was that the route be dedicated as a public right of way.

Wherever possible, when dedicating routes as public rights of way, agreements are entered into with the owners of the land crossed by the route. In this instance the majority of the route is owned by Rossendale Borough Council and Lancashire County Council. However, it has not been possible to identify the owner/s of the land, crossed by part of the proposed route between points X and F, a length of approximately 100 metres to the west of Blackwood Road. The land is not registered with the Land Registry and during the construction of the route no one has come forward to register an interest in the land to date.

Consultations

The necessary consultations have been carried out and no adverse comments on the proposal have been received to date. Rossendale Borough Council supports the scheme to construct the multi user route and has provided written agreement to this effect however; at the time of writing their agreement is awaited with regards to the creation of the route as a Public Bridleway. Similarly, Lancashire County Council has been consulted and has no objections to the proposal.

The British Horse Society, the Ramblers' Association, Access Rossendale and the Peak and Northern Footpaths Society have raised no objection to the proposal.

County Councillor Jackie Oakes, who represents the area has also been consulted and is in support of the proposal.

Advice

Points annotated on plan

Point	Grid reference	Description
A	SD 8458 2155	Junction of newly constructed route and Rakehead Lane
B	SD 8458 2155	Change of surface 1.5 metres east of Rakehead Lane
C	SD 8460 2154	Apex of bend on new path, approximately 20 metres east of Rakehead Lane
E	SD 8512 2157	Apex of bulge in track
F	SD 8513 2158	Junction of new path and Blackwood Road

Description of route to be created

A Public Bridleway shown by a bold broken and dashed line and marked A-B-C-D-E-F on the attached plan, a total distance of 565 metres. From Rakehead Lane (A) the route runs south-east for 20m, the first 1.5m being on a tarmac surface to B then on a stone surface to C, then generally east for 545m on a stone surface to Blackwood Road (F). The width is 3m except for 5m either side of E where the south side of the way tapers to/from a maximum width of 4.5m at E.(All lengths, in metres, and compass points given are approximate).

The proposed Public Bridleway will not be subject to any limitations or conditions. However, consideration will be given to using Section 66 of the Highways Act 1980 to enable the erection of structures at B, D and E to prevent or deter unlawful use of motor vehicles, for the protection of users of the Bridleway.

Modification of the Definitive Statement

If the Regulatory Committee decides to make an Order, the Environment Director suggests that Order should also specify that the Definitive Statement for Bacup be amended to add a public right of way:-

Position column:

"From Rakehead Lane (SD 8458 2155) south-east for 20m, the first 1.5m being on a tarmac surface then on a stone surface to SD 8460 2154, then generally east for 545m on a stone surface to Blackwood Road (SD 8513 2158). (Lengths, in metres, and compass points given are approximate)"

Kind of path column: "Bridleway";

Length column: "0.56 km"

Other particulars column: "There are no limitations or conditions on the Public Bridleway."

Width column: "3m except for 5m either side of SD 8512 2157 where the south side of the way tapers to/from a maximum width of 4.5m at SD 8512 2157"

Criteria satisfied to make and confirm the Order

It is advised that the proposal meets the criteria for the creation of a Public Bridleway under section 26 Highways Act 1980, i.e. that it appears to Lancashire County Council that there is a need for a Public Bridleway over land in their area and they are satisfied that it is expedient that the path should be created, having regard to:

- 1) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area; and

- 2) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28.

It is considered that it is expedient that the path or way should be created because this will provide a safe and convenient route for the local community and visitors to Rossendale to use on foot, bicycle and on horseback and is necessary to secure the funding to implement it.

The Creation Order is part of a scheme to create a multi user route along a section of disused railway line in Stacksteads. This section of path is part of a much larger project being worked on by Rossendale Cycleway Forum to create an off road cycleway between Rawtenstall and Rochdale, utilising where possible the disused railway line.

The route consists of a 3 metre wide tree lined path that is close to a residential area. It is suggested that the provision of the new route will help to improve health of local people and encourage them to explore the countryside on their doorstep. It will also encourage tourism and provide links to existing facilities such as the Mary Towneley Bridleway Loop and the Adrenalin Gateway mountain bike facility. As such the route to be created would add to the enjoyment of a substantial section of the public and add to the convenience of persons resident in the area

With regards to the effect which the creation of the path or way on the rights of persons interested in the land and the associated provisions relating to compensation, it is advised that a majority of the land is owned by either Rossendale Borough Council or Lancashire County Council. At the time of writing Rossendale Borough Council have yet to confirm their agreement to the Public Bridleway Creation Order but are fully supportive of the scheme to construct the route and have provided a signed consent for the works to take place. As the project is consistent with the aims and objectives of the Borough Council it is expected that their agreement will be forthcoming, along with confirmation that no claim for compensation will be submitted. To be certain however, it is proposed that the Creation Order will not be made until such time as Rossendale Borough Council have confirmed this in writing.

The Corporate Property Group of Lancashire County Council has been consulted on the proposal and has raised no objection to the Creation of the Public Bridleway. Lancashire County Council have been fully supportive of the scheme to date, including part funding the works in a grant from the Lancashire Environmental Fund and it is not expected that any issues will arise from the County Council as landowner of part of the route.

With regards to the unregistered land, the works to construct the route have had a high profile in the area with several articles in the local newspapers making reference to the disused railway and Blackwood Road. The construction of the route, in particular the works on the section that is unregistered has been visible from the public highway for some months with explanation signs containing contact details of the coordinator of the scheme. It is suggested that in the event that someone believed they were the owner of the unregistered land and were aggrieved by the

scheme to the extent that they would submit a claim for compensation then they would have already made themselves known to the County Council.

Overall therefore, no claim for compensation is anticipated.

It is not considered that the creation of a Public Bridleway over this route will have any adverse effect upon the needs of agriculture, 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.

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 and surveying authority, under The Equality Act 2010. In particular, the creation of the Public Bridleway will create a route that is suitable for use by persons with mobility scooters. The absence of stiles or gates will enable the route to be accessed by all legitimate users, whilst Section 66 of the Highways Act 1980 can be used if necessary for excluding unauthorised vehicles which may otherwise pose a danger to legitimate bridleway users.

Further, it is also advised that the effect of the Creation Order is compatible with the material provisions of the County Council's Rights of Way Improvement Plan, in particular the themes Definitive Map (DM), Community to Countryside Links (CCL) and Reduced Mobility and Visually Impaired (RMVI).

The theme CCL relates to improvement and provision of routes to link communities with the countryside and the proposed diversion is considered to be wholly consistent with this theme because the proposed route will provide a surfaced, safe and convenient route for the local community to access the wider countryside, on foot, bicycle and on horseback.

With respect to the theme RMVI, the proposed diversion is consistent with the Policy RMV12-2 whereby the Local Authority 'Aspire to meeting the British Standard for gaps, gates and stiles BS 5709:2006, 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 accordingly the route is fully compliant with the British Standard.

It is considered that, having regard to the above, it would be expedient to confirm the Creation Order.

Financial Implications

The full costs of the construction of the route are grant aided by Natural England and the Lancashire Environmental Fund. Therefore there are no additional financial implications for the County Council in the works to construct the Public Bridleway.

If the Creation Order is made and confirmed the route will become maintainable at the public expense. The route has however, been constructed to a high standard including improvements to the drainage in the area. It is envisaged that the route will

require minimal maintenance for several years to come and working parties from the local community such as the Stacksteads Countryside Park Group will carry out minor works such as keeping the ditches clear of leaves and other debris. It is suggested that although there are financial implications for the County Council and the likelihood is that future maintenance will need to be funded from the Public Rights of Way maintenance budget it is expected that this route will provide an important addition to the network of public rights of way and by dedicating the route as a Public Bridleway the future maintenance will be assured, thereby avoiding the risk of the route falling into disrepair.

Risk management

If the Order is not made then the completion of the grant for this section of the 'Routes around Rossendale' project might be compromised and lead to problems in funding future projects with the potential to provide an improvement to public access in the area.

Alternative options to be considered

To not agree that the Order be made.

To agree that the Order be made but not yet be satisfied regarding the criteria for the confirmation and request a further report at a later date.

To agree that the Order be made and promoted to confirmation according to the recommendation.

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

Paper	Date	Contact/Directorate/Tel
PRW-14-01-000		Ros Paulson, 01772 532459 Environment Directorate,

Reason for inclusion in Part II, if appropriate

N/A