

Agenda Item No. 5(g)

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

15 January 2018

Report of the Strategic Director – Economy, Transport and Environment

PROPOSED PUBLIC PATH CREATION AGREEMENTS FOR THE WHITE PEAK LOOP TRAIL – PARISHES OF DARLEY DALE, NORTHWOOD AND TINKERSLEY

(1) **Purpose of Report** To seek Committee approval to enter into Public Path Creation Agreements with four landowners to dedicate land as Public Footpaths with permissive cycling rights within the Derbyshire Dales District Council area between Matlock, opposite the Arc Leisure Centre, and Harrison Way, Northwood. These agreements are required to implement the White Peak Loop Trail which, for this section, will comprise an easy access route catering for walkers and cyclists of all abilities.

(2) **Information and Analysis** The White Peak Loop is a long distance route being promoted by Derbyshire County Council, aimed at creating a 60 mile circuit connecting the existing popular Tissington, High Peak and Monsal Trails into the market towns of Buxton, Bakewell and Matlock. The complete route is intended to be fully multi-user for much of its length but certain sections will only be available to walkers and cyclists, including the section in question between Matlock and Rowsley due to the proximity of the trail to a heritage steam railway which makes this section unsuitable for horses.

The County Council has been developing the new 7.4km section of the White Peak Loop between Matlock and Rowsley using a Government grant from the Department for Transport, together with match funding from the Local Transport Plan Capital Programme through the Pedal Peak Project. Approval to accept the grant aid offer and to construct this section of the White Peak Loop was obtained at a Cabinet meeting on 10 September 2013 (Minute No. 226/13 refers). The route broadly follows the line of the former Midland railway line, with a detour into Whitworth Park, running alongside the section of the line re-opened as a preserved heritage railway line up to the Rowsley South Station and then continuing beyond that to Old Station Close in Rowsley.

The attached White Peak Loop plans show the public footpaths that will be created between the Parishes of Darley Dale, Northwood and Tinkersley. Plans 1 – 4 show the dedications in greater detail as described below.

The creation agreements will commence at Point **A** on Plan 1, at the junction with Public Footpath 26 Darley Dale. As part of the wider scheme to deliver the new multi-user trail, approval was given by this Committee at the meeting on 11 September 2017 (Minute No. 22/17 refers) to promote a separate Public Path Diversion Order to divert section **S - A** onto line **S-T-A** to provide an improved, safer crossing point over the railway.

From Point **A** to Point **C** on Plan1, the dedicated width of the public footpath will be 3 metres with a rolled stone surface. The route will follow the heritage railway along the top of the embankment on land owned by Derbyshire Dales District Council. Partway along this section it will include the dedication of a short linking path between points **B** and **D** down the embankment to provide a connection to the continuation of Footpath 26 in the adjoining field. There are two concrete bridges, each 3 metres long, along the railway embankment to accommodate existing underpasses. Just south of Point **C** additional work has been carried out to the retaining wall alongside the railway in order to accommodate the trail and the Council will be taking on responsibility for 200 metres of safety fencing to protect path users. At Point **C**, a 3 metres wide combination of gates across the trail will be provided in the boundary.

Between Points **C** and **F** on Plan 2, the route crosses private pasture land to meet Old Road, Darley Dale. The section between Point **C** and Point **E** will have a dedicated width of 3 metres with a rolled stone surface continuing as a 2 metres wide footpath with a resin bound surface from Point **E** to Point **F**. The route crosses a stone culvert over Warney Brook adjacent to Old Road. The Council will take on the responsibility for the structure immediately beneath the footpath which has been altered to take the route, including the headwall and parapet, together with the adjoining short length of gabion wall and safety post and rail fencing to support the path on the approach to the culvert and at points **E** and **F** two 1.5 metres wide gates will be provided where the new route meets Old Road.

From Point **G** on Station Road, Darley Dale to Point **H** on Plan 3, the route will continue through Whitworth Park along existing paths with a tarmac surface and then across an area of grassland. This section is owned by the Whitworth Trust which will dedicate the route as public footpaths with a width of 3 metres. The path will cross two small ditches which have been culverted. Point **G** is one of the existing entrances into the Whitworth Park and the route will pass through the pedestrian gate alongside the private vehicle gates which will be lockable by the owner.

The Section between Point **H** and Point **N**, shown on Plan 3, at Church Road, Churchtown is owned by Derbyshire Dales District Council apart from a short length between points **H-J** owned by the Whitworth Trust and another between points **L-M** which is owned by Darley Dale Town Council. All the landowners will dedicate a public footpath that will widen Darley Dale Public

Footpath No.31 by up to 2 metres, giving a total width of 3.8 metres. However, there will be pinch points where the land is physically constrained and therefore the section between **H-J** will only be 3 metres wide and, between **J-K** it will be down to 2.3 metres wide. Chicane barriers will be installed at Point **N** as a safety measure to slow down users approaching Church Road.

The remaining section is between Point **P**, Church Road, Churchtown and Point **R**, Harrison Way, Northwood; Plan 4 illustrates the proposed route. The dedicated width will be 3 metres and comprise a rolled stone surface alongside the heritage railway and then through shelter and woodland belts alongside industrial units. The route will make use of the existing former railway bridge over a culvert and responsibility for the bridge structure will remain with the landowner apart from the 1.4m guardrail on the eastern side of the structure. Where the route crosses Church Road at Point **P** and at Point **R** at the junction with Harrison Way, chicane barriers will be installed as a safety measure to slow down users approaching the road. The agreement for this section will be with Derbyshire Dales District Council.

The creation of the route as described above will protect pedestrian rights as a minimum for the new trail. Cycling will be permitted by way of permissive agreements with the landowners. At a convenient time in the future, when resources permit, Committee approval will be sought to convert the Public Footpaths to cycle tracks through an Order under Section 3 of the Cycle Tracks Act 1984.

At the time of consultation, the Local Member, Councillor Joanne Wild, and the relevant town and parish councils along the route, Darley Dale Town Council and Northwood and Tinkersley Parish Council were consulted and have not raised any objections to the proposals. Following the Elections in May 2017, the current Local Member, Councillor Allen, has been notified. The onward route will run adjacent to, and provide a future link into, the National Park and the Peak District National Park Authority is supportive of this project.

(3) Financial Considerations In the event of a Public Path Creation Agreement being made, compensation is payable to the landowners equal to the amount of depreciation and/or injurious affection incurred. The County Council's Director of Property has agreed compensation with the private landowner of £7,000 for the new section of public footpath that crosses land that was previously private farmland. This expenditure was approved by the Cabinet Member for Council Services on 31 May 2016, as part of the wider package agreed with this landowner (Minute No. 51/16 refers). Discussions have been carried out with the other landowners regarding compensation and, being public bodies, they have all indicated that they will not be seeking any monetary compensation now or in the future but would be claiming their reasonable expenses from Derbyshire County Council. These have been

estimated at £9,000. The expenditure referred to in this report for the costs of advertising the agreements and any compensation and reasonable expenses of the landowners have been allowed for within the existing Pedal Peak Project budget.

Future maintenance will be covered from the Economy, Transport and Environment Department's Network Planning budgets as the route provides for cyclists, as well as pedestrians (the grant aid to support the project from the Department for Transport was to improve cycling provision in the area).

(4) **Legal Considerations** Section 25 of the Highways Act 1980 empowers the County Council to enter into a Public Path Creation Agreement with a landowner. It is the duty of the Authority, when entering into a Creation Agreement, to have due regard to agriculture and forestry, and the desirability of conserving flora, fauna and geological and physiographical features. Derbyshire Dales District Council and the other local councils were consulted and raised no objections. In addition, the Forestry Commission and Natural England were consulted on the detailed design proposals during the planning process when approval was sought to construct the trail and any comments they had were considered in full at this stage.

(5) **Environmental, Health and Transport Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report. These Creation agreements will provide another link in the County's Greenway network which will in turn improve the network of opportunities for sustainable travel and recreation, and ensure that the public can enjoy use of the trail in perpetuity.

(6) **Social Value Considerations** Under the provisions of the Public Services (Social Value) Act 2012, Derbyshire County Council is required to consider how the economic, social and environmental well-being of the County might be improved through the support and procurement of local services. The work of the officers set out in this report seeks to promote employment and economic sustainability; raise the living standards of Derbyshire residents; promote participation and citizen engagement; promote equity; and promote environmental sustainability.

Other Considerations

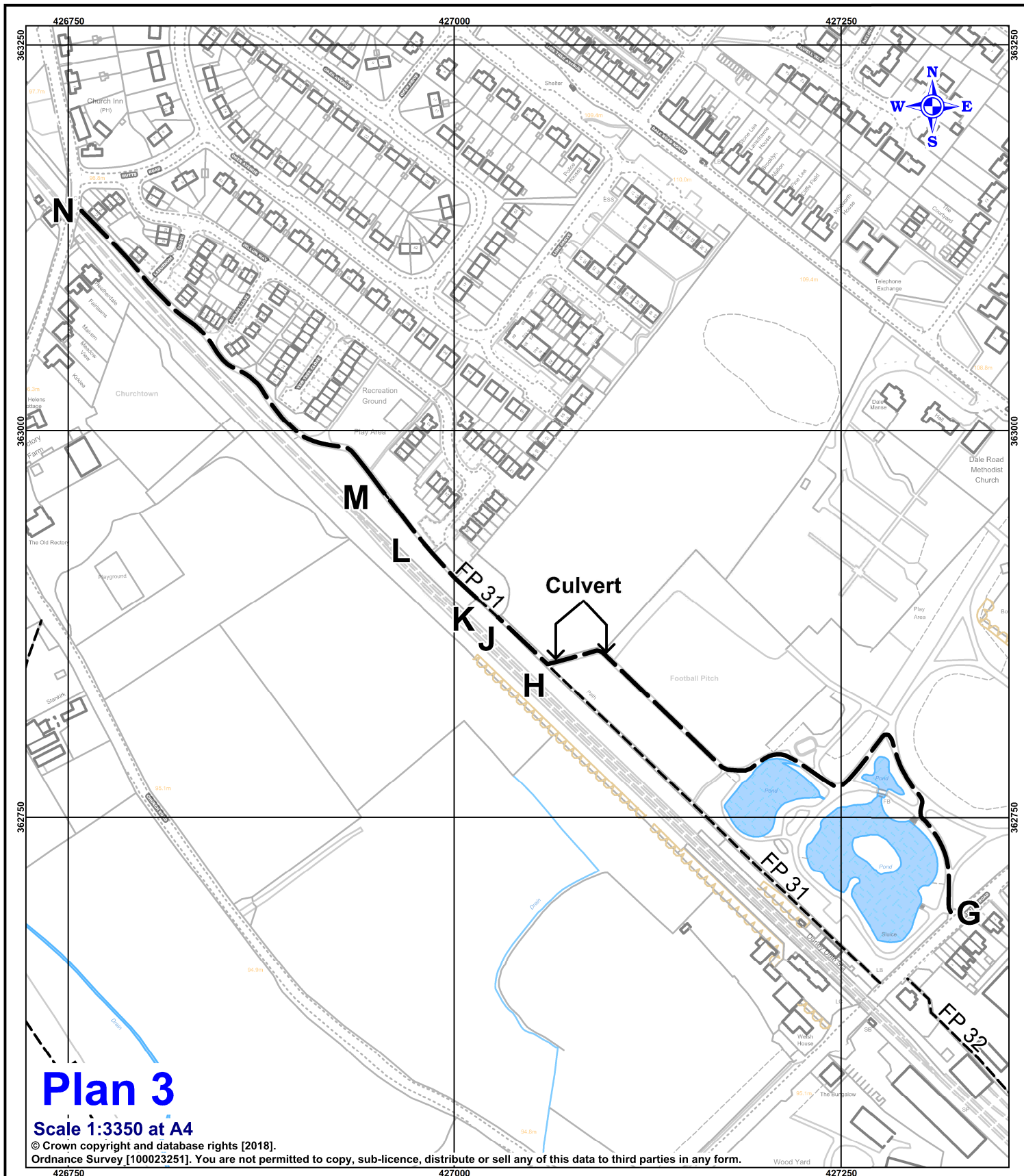
In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources and property considerations.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Claire O'Reilly, extension 39652.

(8) **OFFICER'S RECOMMENDATIONS** That the Director of Legal Services be authorised to:

- 8.1 Enter into the necessary Public Path Creation Agreements with the relevant landowners to create public footpaths between points **A** and **R** in the parishes of Darley Dale, Northwood and Tinkersley on the attached plans, subject to the widths and structures detailed in the body of the report.
- 8.2 Enter into permissive agreements with the relevant landowners to allow cyclists to use the routes covered by these Public Path Creation Agreements.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Ref: TE/BS/X4044_X4045_X4156/Cttee/2018
 Date: 2 January 2018



Mike Ashworth
 Strategic Director
 Economy, Transport & Environment
 Derbyshire County Council
 Shand House
 Dale Road South
 Matlock
 DE4 3RY

Highways Act 1980, Section 25

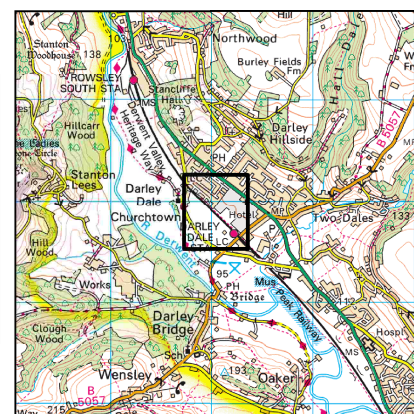
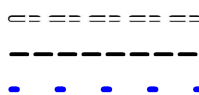
The Derbyshire County Council (White Peak Loop) Public Path Creation agreements between Station Road and Public footpath 31 and between Public footpath 31 and Church Road - Parish of Darley Dale, Derbyshire Dales

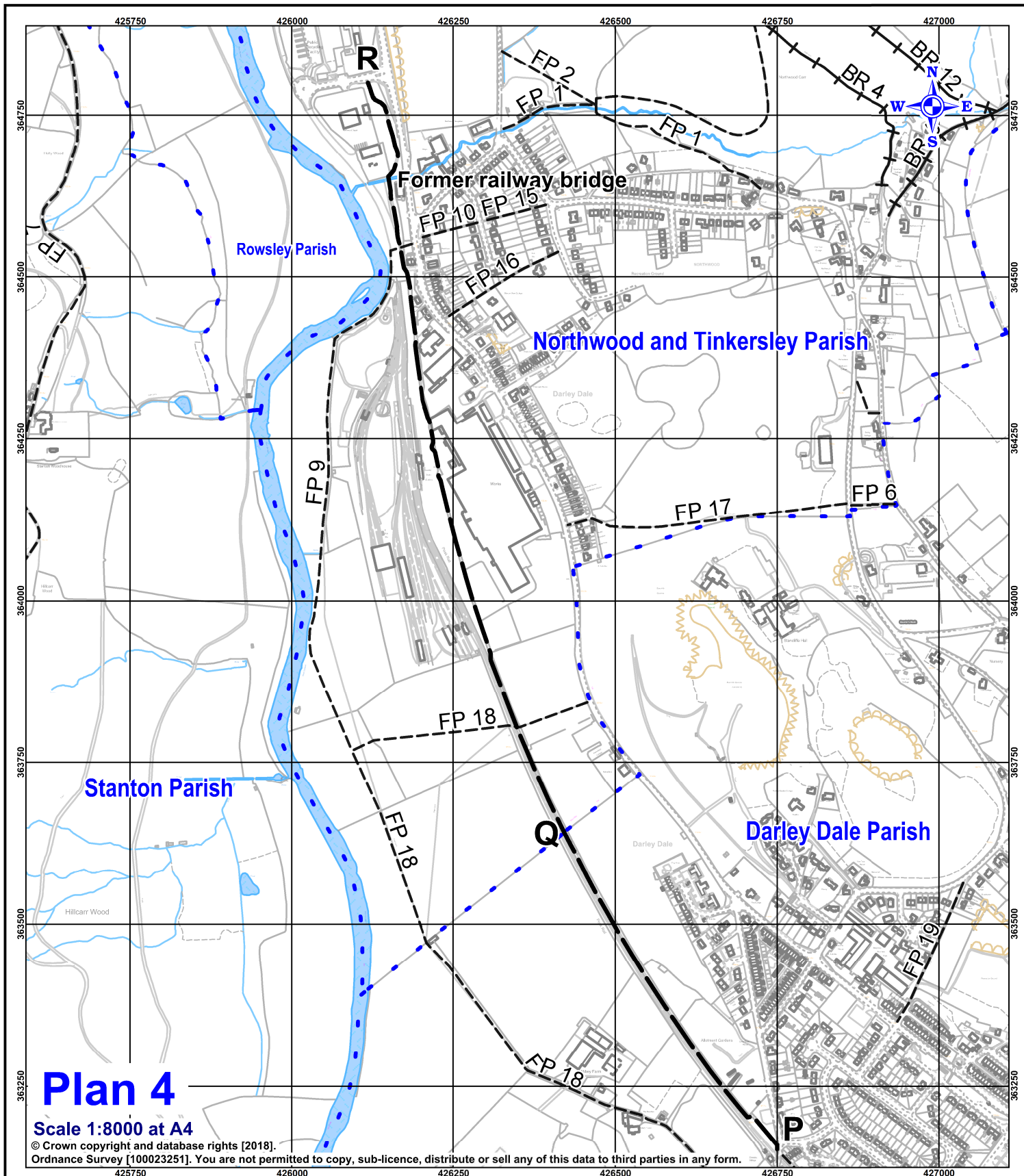
Key:

Public Footpath to be created

Existing Footpath

Parish boundary





Ref: TE/BS/X4046/Cttee/2018
Date: 2 January 2018



Mike Ashworth
Strategic Director
Economy, Transport & Environment
Derbyshire County Council
Shand House
Dale Road South
Matlock
DE4 3RY

Highways Act 1980, Section 25

The Derbyshire County Council (White Peak Loop) Public Path Creation agreement between Church Road - Parish of Darley Dale - and Harrison Way - Parish of Northwood and Tinkersley, Derbyshire Dales

Key:

Public Footpath to be created	---
Existing Footpath	- - - - -
Existing Bridleway	+ + + + +
Parish boundary	· · · · ·

