

Agenda Item No. 5(f)

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

15 January 2018

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED PUBLIC PATH CREATION AGREEMENT ALONG LOVE LANE
– PARISH OF TIBSHELF**

(1) **Purpose of Report** To seek authority for the Director of Legal Services to enter into a Public Path Creation Agreement with the landowner, to create a Public Bridleway between the two remaining ends of Public Bridleway No.3, Parish of Tibshelf, along Love Lane, for the benefit of the general public.

(2) **Information and Analysis** The whole of Love Lane was previously on the List of Publicly Maintainable Streets as a non-classified highway with indeterminate rights along it but which was used by motorised vehicles. It was also recorded on the Definitive Map and Statement as a Public Bridleway, but part of the lane was closed by order in 1997 to facilitate opencast coal extraction. This left two dead-end sections of bridleway, one heading north from the railway (Point **A** on the plan) and a short section at the southern end of Love Lane between Point **D** and Alfreton Road. On restoration of the land, a tarmac road was put back but wide consultation indicated strong public opposition to it becoming a highway for use by motorised vehicles. It is therefore proposed that the restored route (points **A** to **B** on the attached plan) should be of public bridleway status by agreement with the landowner. Vehicular access would be available to those with interests in the land, and this would be managed by the installation of lockable bollards at points **B** and **C** on the attached map. Keys would be supplied to those with a right of vehicular access.

The route is around 634 metres long and has a tarmac surface. The dedication will not include the verges as these would represent a maintenance liability on the Council. Consequently, the dedicated width is 3.5 metres. The reconstructed route includes five passing places where the width is 6 metres, but it is proposed that the passing places would not be included within the bridleway.

Informal consultations were carried out from 4 July 2017 to 3 August 2017. The Local Member, Councillor Clive Moseby, Bolsover District Council and Tibshelf Parish Council were consulted and offered no objections. Bolsover

District Council were not opposed to the proposal but suggested it was unnecessary as there is already a route parallel to that which is being considered, along an existing stone track. However, this route is not being offered as a public right of way and has not been constructed to such a high standard. A member of the public stated that they '*object to the way the County Council keeps blocking vehicular access without creating alternatives*'. This is believed to relate to decisions to restrict vehicular access along tracks in the countryside by Traffic Regulation Orders. These decisions are made on a case by case basis by weighing up the needs of recreational motorists against those of the general public in relation to the relation to the route in question. This is irrelevant to considering the dedication of this route as a bridleway.

(3) **Financial Considerations** The landowner has already borne the costs of the physical construction of the route and has agreed to fund the installation of the bollards. Numerous traffic signs were installed along the route in anticipation of it becoming a vehicular road, and the landowner will also remove these. Costs to the Council include staff time for preparing the Public Path Creation Agreement and related advertising costs. These are estimated to be approximately £1,000 and are to be met from the Public Rights of Way Revenue Budget. The County Council will, in future, be responsible for the ongoing maintenance of the surface of the newly created bridleway, but as this has been installed to a high standard, little need for maintenance is anticipated in the medium term. Future maintenance of the bridleway will be met from the Rights of Way Revenue budget.

(4) **Legal Considerations** The County Council is empowered to provide facilities and related services for the enjoyment of the public. It may enter into a Public Path Creation Agreement with a landowner for the creation of a bridleway under Section 25 of the Highways Act 1980.

The Council has had due regard to the needs of agriculture, forestry and nature conservation and the desirability of conserving flora, fauna, geological and physiographical features under its duty in Section 29 of the Highways Act 1980. It is not foreseen that there will be any detrimental effects on these factors.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this proposal and preparing this report.

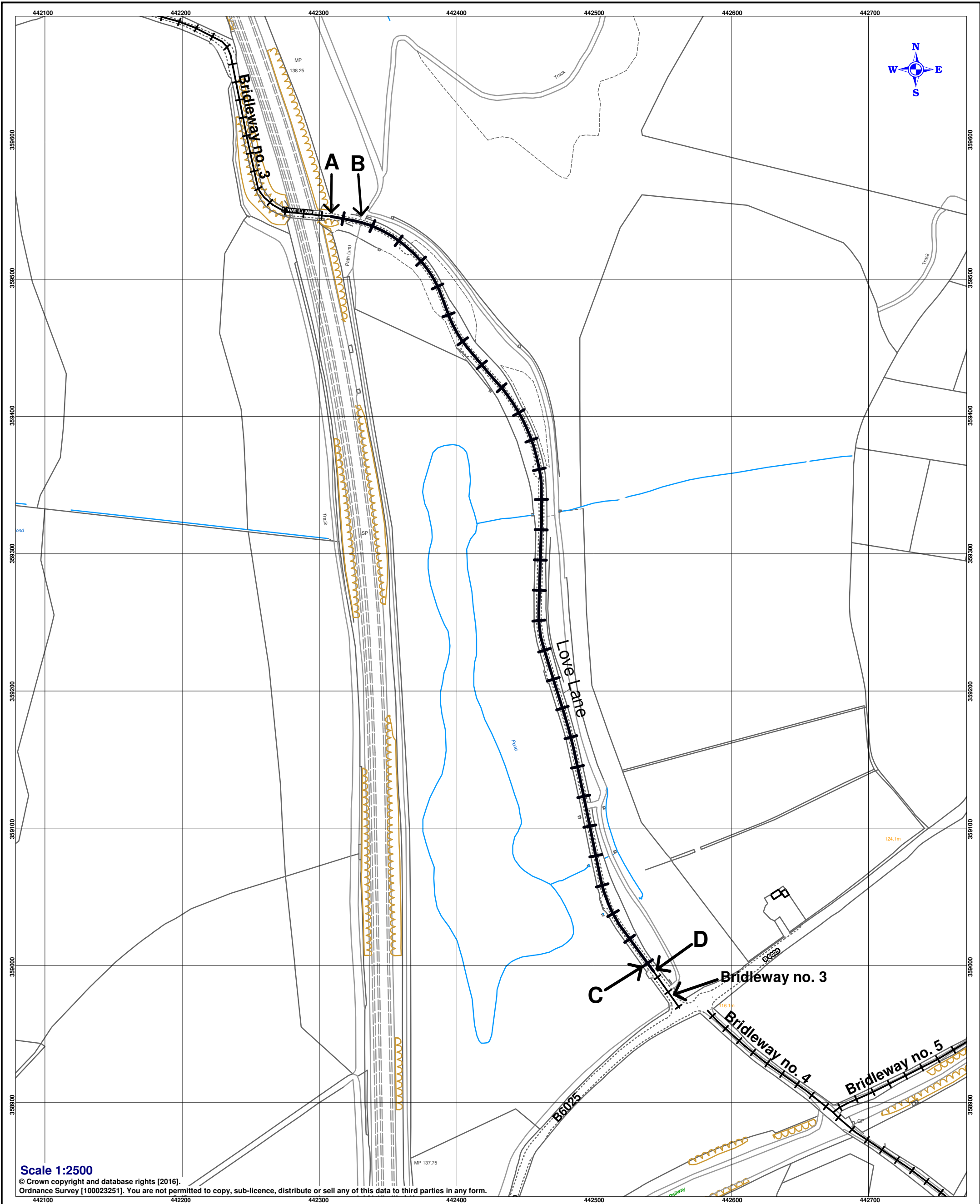
Other Considerations

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

(6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – David McCabe, extension 39770.

(7) **OFFICER'S RECOMMENDATION** That the Director of Legal Services be authorised to enter into a Public Path Creation Agreement with the landowner, under Section 25 of the Highways Act 1980, for the creation of a public bridleway in the Parish of Tibshelf, as shown on the attached plan by a bold broken line between points **A** and **D**, with a width of 3.5 metres and a tarmac surface.

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Produced by Public Rights of Way on 4 August 2017

Highways Act 1980, Section 25 Proposed Creation Agreement for a Public Bridleway, Love Lane, Tibshelf.

- Key:**
- Proposed Public Bridleway **A + + + + D**
 - Existing Public Bridleways **+ + + + +**
 - Proposed lockable bollards at B & C

