

Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

23 July 2018

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED CREATION AGREEMENT FOR A PUBLIC BRIDLEWAY
BETWEEN POULTER COUNTRY PARK AND MAG LANE - PARISH OF
SCARCLIFFE**

(1) **Purpose of Report** To seek authority for the Director of Legal Services to enter into a Public Path Creation Agreement with the landowner, Chatsworth Estates, to create a public bridleway between Poulter Country Park and Mag Lane, in the interests of the public.

(2) **Information and Analysis** The County Council, with the Bolsover Countryside Partnership, is developing an 11-mile long heritage trail through the District of Bolsover, known as the Archaeological Way. The intention is to make as much of the route as possible accessible to horse-riders, cyclists and wheelchair users. A new length of public bridleway is proposed as part of this multi-user trail, providing a link between Poulter Country Park and Mag Lane, near Langwith.

The route passes alongside the Robin Hood Railway Line, on a field edge margin, segregated from the field by fencing. Its length is around 264 metres and its width varies between 4.8 and 7.1 metres. The path is surfaced in rolled stone with a short length of tarmac at the entrance off Mag Lane (Point A on the appended plan). At this point, a 'K barrier' and a locked 'step-through', horse accessible vehicle barrier have been installed to deter unauthorised vehicular access.

Bolsover District Council has been consulted and offered no comments or objections. The Local Member, Councillor Joan Dixon, has expressed support for the proposal.

(3) **Financial Considerations** Much of the background development work has already been carried out by the Bolsover Countryside Partnership Manager. The physical creation of the route has already been funded by a grant from Tarmac Limited Landfill Communities Fund, Reclamation Capital, the Local Transport Plan and Limestone Journeys legacy funding. If the creation agreement is made the Council will, in future, be responsible for the

ongoing maintenance of the surface of the route, but it is currently in good repair and no immediate works are necessary. A mandatory newspaper advert will be necessary following the signing of the agreement, and this will be funded from the Archaeological Way budget.

(4) **Legal Considerations** Under Section 25 of the Highways Act 1980:

- (1) A local authority may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath, bridleway or restricted byway over land in their area.
An agreement under this section is referred to in this Act as a “public path creation agreement”.
- (2) For the purposes of this section “local authority”—
 - (a) in relation to land outside Greater London means a county council, a district council; and
 - (b) in relation to land in Greater London means a London borough council or the Common Council.
- (3) Before entering into an agreement under this section a local authority shall consult any other local authority or authorities in whose area the land concerned is situated.
- (4) An agreement under this section shall be on such terms as to payment or otherwise as may be specified in the agreement and may, if it is so agreed, provide for the dedication of the footpath, bridleway or restricted byway subject to limitations or conditions affecting the public right of way over it.
- (5) Where a public path creation agreement has been made it shall be the duty of the local authority who are a party to it to take all necessary steps for securing that the footpath, bridleway or restricted byway is dedicated in accordance with it.
- (6) As soon as may be after the dedication of a footpath, bridleway or restricted byway in accordance with a public path creation agreement, the local authority who are party to the agreement shall give notice of the dedication by publication in at least one local newspaper circulating in the area in which the land to which the agreement relates is situated.

Assessment of legal considerations

The landowner has the necessary power to dedicate the public bridleway, and the location is within the jurisdiction of Derbyshire County Council. The other relevant local authority has been consulted and has not opposed the proposal. It is therefore considered appropriate to proceed with the Public Path Creation Agreement.

- (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.

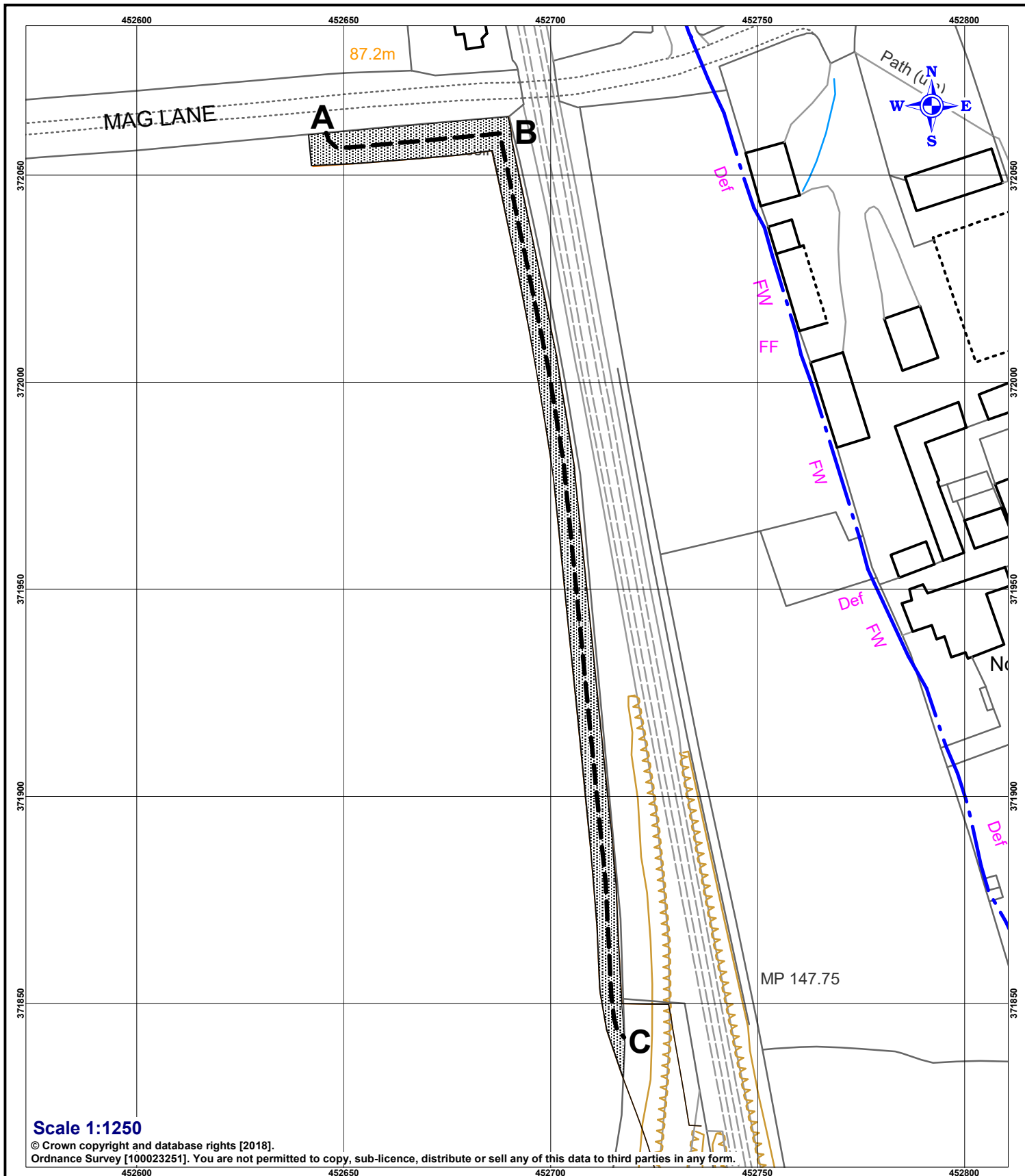
Other Considerations

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 transport considerations.

(6) **Background Papers** Held on file within the Rights of Way Section of 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 the necessary public path creation agreement with Chatsworth Estates to create a public Bridleway between Poulter Country Park and Mag Lane, Scarcliffe.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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Highways Act 1980, Section 25:

Proposed Creation Agreement for a Public Bridleway off Mag Lane, Parish of Scarcliffe.

Key:

Bridleway to be created



County boundary

