

Agenda Item No.4

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

31 October 2016

Report of the Strategic Director – Economy, Transport and Communities

PROPOSED PUBLIC PATH CREATION AGREEMENT FOR A PUBLIC FOOTPATH FROM CHURCH STREET, VIA THE WAR MEMORIAL, TO LONG LANE, PARISH OF DETHICK, LEA AND HOLLOWAY

(1) **Purpose of Report** To seek authority for the Director of Legal Services to enter into a Public Path Creation Agreement with Dethick, Lea and Holloway Parish Council for a public footpath over land owned by the Parish Council.

(2) **Information and Analysis** The Parish Council owns woodland on the hillside situated between Church Street and Long Lane, Holloway, and wishes to dedicate public rights on foot over an existing well defined path that threads its way uphill through woodland from Church Street and enters Long Lane adjacent to the war memorial. The path is in good repair and will create a valuable addition to the existing rights of way network, providing a pleasant woodland walk with fine views from the war memorial.

It is therefore proposed to enter into a Public Path Creation Agreement with the Parish Council under Section 25 of the Highways Act 1980 whereby footpath rights will be dedicated over a distance of approximately 378 metres at a width of 1.8 metres. It is shown on the attached plan as a bold broken line between points 'A – B'.

The Local Member, Councillor David Taylor and Amber Valley Borough Council have been consulted and no objections have been raised.

(3) **Financial Considerations** Because the dedication will benefit the public, the Authority will bear the cost of preparing the Public Path Creation Agreement and placing and advert in a local newspaper to give public notice of the Creation Agreement. The County Council will, in future, be responsible for the ongoing maintenance of the surface of the newly created route, however, the footpath is in good repair and no immediate works are necessary.

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

The Authority 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.

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

(5) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Peter Webster, extension 39790.

(6) **OFFICER'S RECOMMENDATION** That the Director of Legal Services be authorised to enter into a Public Path Creation Agreement with Dethick, Lea and Holloway Parish Council under Section 25 of the Highways Act 1980, for the creation of a public footpath, shown on the attached plan by a bold broken line between points **A** and **B**, having a width of 1.8 metres.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

