

6TH November 2017

TITLE OF REPORT: **Proposed dedication of Bridleway Whickham 220 from Lobley Hill Road, to Staithes Road, Gateshead.**

REPORT OF: **Strategic Director of Communities and Environment**

Summary

This report relates to the proposed dedication of Bridleway Whickham 220 from Lobley Hill Road, Teams to Staithes Road, Dunston, Gateshead.

Purpose of the report

- 1) To seek authority from the Rights of Way Committee for a deed of dedication to record a bridleway, to be known as Bridleway Whickham 220, on Council owned land, from Lobley Hill Road to Staithes Road, Gateshead as shown from Point A to B on the plan at Appendix 2 to the report.

Background

- 2) The proposed Bridleway Whickham 220 as shown from Point A to Point B at Appendix 2 to this report has a tarmac surface and runs north westerly from the railway bridge at Lobley Hill Road, to Scrapyard Bridge at Staithes Road, Dunston, Gateshead.
- 3) The proposed Bridleway Whickham 220 forms part of the Teams Cycleway which provides access to the Tanfield Railway Path and Watergate Park to the south and the Keelman's Way to the north. The public have had permissive access over the proposed bridleway which also gives access to other Gateshead footpaths and adopted highways. Also part of the proposed bridleway runs across land formerly part of the Gateshead Garden Festival site.
- 4) The proposed bridleway is suitable for use by equestrians and cyclists and the dedication of the bridleway is to formalise the use by walkers, horse riders and cyclists.
- 5) The Council own all of the land and highways structures the proposed Bridleway Whickham 220 will be dedicated across. The land is managed by Property Services, who have been consulted and have no objections

to the proposed dedication. The surface is in good condition and therefore no remedial works would be required.

The Law

- 6) Due to the proposed dedication of Bridleway Whickham 220 being wholly on Council owned land, the Council can dedicate that bridleway via a Deed of Dedication in accordance with section 1 of the Localism Act 2011. Section 1 of the Localism Act 2011 gives a local authority power to do anything that individuals generally may do, such as dedicating land for public rights of way. The Council if dedicating the bridleway would need to give public notice of the dedication in the local press and on site but it would not be subject to a public objection period in the same way as it would be if it was created via a Creation Order under section 26 of the Highways Act 1980. However the proposed bridleway would ensure the continued use of an off road route through a mainly built up area.
- 7) If a deed of dedication was to be made by the Council for the proposed dedication of a bridleway, due regard will be given to the needs of agricultural and forestry and the desirability of conserving flora, fauna and geological and physiographical features in accordance with Section 29 of the Highways Act 1980.

Consultation

- 8) Consultation is not statutorily prescribed with a deed of dedication. However, local user groups were consulted on the proposed dedication of Bridleway Whickham 220. Letters were sent out to the representatives of 6 local user groups, The British Horse Society, Chopwell Wood Horse Riders Association, Cycling UK, Gateshead Ramblers, Ryton Pathfinders and The Local Access Forum with 3 replies being received from Cycling UK, Ryton Pathfinders and the British Horse Society all in favour of the proposal. The representative of The British Horse Society commented, “ *The proposed dedication of this route as bridleway will ensure the continued legal use of this safe off road route for those non motorised users who are presently using it, enabling them to travel safely through this built up area of Gateshead.*” The relevant Ward members, whose Wards are affected have been sent copies of the consultation letter with one Councillor enquiring as to what change there would be to the existing route.

Conclusion

- 9) In conclusion it is the view of Officers that Bridleway Whickham 220 be dedicated as a bridleway via a deed of dedication as it would formalise the use of the bridleway and provide links with other footpaths, bridleways and adopted highways, adding to the convenience and enjoyment of a substantial section of the public.
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Recommendation

The Rights of Way Committee approves:

- i) That a Deed of Dedication be made on Council owned land to dedicate Bridleway Whickham 220 between Lobley Hill Road and Staithes Road, Gateshead as shown from Point A to Point B on the plan annexed to this report.
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Grant delegated authority to the Strategic Director of Corporate Services and Governance to undertake the following:

- ii) To complete and publicise a deed of dedication to dedicate Bridleway Whickham 220 as shown with a broken line from Point A to Point B on the plan annexed at Appendix 2 to this report.

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1 FINANCIAL IMPLICATIONS

The cost of making and advertising the deed of dedication will be covered by existing budgets.

2 RISK MANAGEMENT IMPLICATIONS

None

3 HUMAN RESOURCES IMPLICATIONS

Staff from Legal, Democratic and Property in conjunction with the Public Rights of Way Officer, will carry out the processing of the deed of dedication.

4 EQUALITY AND DIVERSITY IMPLICATIONS

There are no identified equality or diversity implications from this proposal.

5 CRIME & DISORDER IMPLICATIONS

None

6 SUSTAINABILITY IMPLICATIONS

None

7 HUMAN RIGHTS IMPLICATIONS

Under Article 8, everyone has the right to respect for his or her private and family life, home and correspondence. There is not considered to be any impact on those rights from this proposal.

8 WARD IMPLICATIONS

Lobley Hill and Bensham.
Dunston and Teams

9 BACKGROUND INFORMATION

None