

27th March 2017

TITLE OF REPORT: **Public Path Creation Agreement Keelman's Way, Ryton, Gateshead**

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

Summary

This report to Committee sets out the current position with regard to negotiations that have taken place with a landowner to enter into a creation agreement to upgrade the status of Footpath Ryton 76 to Bridleway at Ryton Golf Club, Ryton, Gateshead.

Purpose of the report

- 1) To report upon the securing of a creation agreement under Section 25 of the Highways Act 1980 to enable part of Footpath Ryton 76 to be upgraded to Bridleway which has been made possible by the landowners agreeing to dedicate a strip of land at Ryton Golf Club, Ryton, Gateshead shown as a dotted line from Point A to Point B, on the plan at Appendix 2 to this report.

Background

- 2) The creation agreement will enable part of Footpath Ryton 76 to be upgraded from footpath to bridleway.
- 3) The landowner has no objections to the upgrading of part of Footpath Ryton 76 on their land.
- 4) The reason for upgrading part of Footpath Ryton 76 is that it forms part of the Keelman's Way and the agreement is to formalise the use of this section by walkers, horse riders and cyclists.

Proposals

- 6) The terms of the proposed draft creation agreement are:-
 - a) To upgrade to bridleway a part of Footpath Ryton 76, which is part of the Keelman's Way, located on Ryton Golf Course, a distance of approximately 411metres as shown by a dotted line from Point A to Point B on the plan at Appendix 2 to this report.

- b) There are no works required to facilitate this upgrade.
- c) If Members are minded to grant approval for the Council to enter into a creation agreement to upgrade to bridleway this part of Footpath Ryton 76, then the Council will be responsible for the maintenance of that bridleway.
- d) The landowners in this case have waived their right to claim any compensation in the agreement.

Legislation

- 7) Section 25(1) of the Highways Act 1980 enables a local authority to enter into a public path creation agreement with 'any person having the necessary power in that behalf for the dedication by that person of a footpath, bridleway or restricted bridleway over land in their area'.
- 8) Section 25(3) of the Highways Act 1980 requires consultation with any other local authority in whose area the land is concerned before an agreement is entered into. There are no other local authorities whose area will be affected with the proposed creation agreement.
- 9) Section 25(6) of the Highways Act 1980 requires as soon as the dedication of the footpath takes place via the public path creation agreement, notice of the dedication needs to be given in at least one local newspaper circulating in the area in which the land to which the agreement relates.
- 10) Section 29 of the Highways Act 1980 places a duty on local authorities to have regard to agriculture and forestry, and the desirability of conserving flora, fauna and geological and physiographical features. There are no such potential implications in this matter.

Consultation

- 11) Consultation is not statutorily prescribed with a public path creation agreement only local authorities within the area are required to be notified. However, consultation letters have been sent out regarding a review of the whole of the Keelman's Way, which includes section upgrades from footpath to bridleway where necessary, to 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 received from Ryton Pathfinders, The British Horse Society, and Cycling UK. Of the 3 replies received there are no objections. The consultation has been sent out so as to cover a review of the whole of the Keelmans Way. The relevant Ward members, whose Wards are affected have been sent copies of the consultation letter.

Recommendation

The Rights of Way Committee approves:

- (i) That a public path creation agreement is entered into to upgrade to bridleway part of footpath Ryton 76 as shown with a black dotted line from Point A to Point B at Ryton Golf Club on the plan at Appendix 2 to this report.

Grant delegated authority to the Strategic Director of Corporate Services and Governance to undertake to complete the public path creation agreement to:

- (ii) Upgrade to bridleway part of footpath Ryton 76 as shown with a black dotted line from Point A to Point B at Ryton Golf Course on the plan at Appendix 2 to this report.

If the Committee recommends that such action should be taken, it is requested that the Strategic Director of Legal & Corporate Services is authorised to undertake to complete the public path creation agreement to upgrade to bridleway the part of Footpath Ryton 76 as shown on the plan at Appendix 2 to the report.

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APPENDIX 1

1 FINANCIAL IMPLICATIONS

The cost of making and advertising the creation agreement 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 Creation Agreement.

4 EQUALITY AND DIVERSITY IMPLICATIONS

None

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.

8 WARD IMPLICATIONS

Crawcrook and Greenside

9 BACKGROUND INFORMATION

None