

27TH March 2017

TITLE OF REPORT: **Dedication of a Bridleway at Jonadab Road,
Bill Quay, Gateshead.**

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

Summary

This report relates to the proposed dedication of a Bridleway Felling 51 and the upgrade of part of Footpath Felling 11 to Bridleway at Jonadab Road, Bill Quay, Gateshead.

Purpose of the report

- 1) To seek authority from the Rights of Way Committee for a deed of dedication to record a bridleway on Council owned land, at Jonadab Road, Bill Quay, Gateshead as shown from Point A to B and C to D and the upgrade of part of Footpath Felling 11 to Bridleway as shown from Point B to C on the plan at Appendix 2 to the report.

Background

- 2) The bridleway as shown from Point A to Point B and Point C to Point D and part of Footpath Felling 11 as shown from Point B to Point C on the plan at Appendix 2 to this report, has a tarmac surface and runs east to west between its junctions with Cromwell Road and Footpath Felling 11 and Low Heworth Lane.
- 3) The bridleway forms part of the Keelman's Way cycle route which runs between the boundaries of South Tyneside in the east and Northumberland in the west. The public have had permissive access over the proposed bridleway which gives access to other Gateshead footpaths, bridleways and adopted highways. 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.
- 4) The Council own all of the land the proposed upgrade to and dedication of bridleway Felling 51 will be dedicated across. The land is managed by Property Services, who have been consulted and have no objections to the proposals. The surface is in good condition and there are no need for any remedial works.

The Law

- 5) Due to the proposed dedication of Bridleway Felling 51 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 this proposed bridleway would provide an essential link and is already well used by the public in the area.
- 6) The Council can confirm that if a deed of dedication was to be made by the Council for the proposed dedication of a bridleway, that 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

- 7) Consultation is not statutorily prescribed with a deed of dedication. However, local user groups were consulted on the proposed dedication Bridleway Felling 51. Consultations 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 received from Ryton Pathfinders, The British Horse Society, and Cycling UK. There were no objections with one comment made in by Cycling UK in relation to a maintenance requirement on an adjoining route. 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.

Conclusion

- 8) In conclusion it is the view of Officers that Bridleway Felling 51 be dedicated as a bridleway via a deed of dedication and the upgrade of Part of Footpath Felling 11, as it would formalise the use of the bridleway forming part of the Keelman's Way and provide links with other footpaths, bridleways and adopted highways, adding to the convenience and enjoyment of a substantial section of the public in that area.

Recommendation

The Rights of Way Committee approves:

- i) That a Deed of Dedication be made on Council owned land to dedicate Bridleway Felling 51 at Jonadab Road, Bill Quay, Gateshead as shown with a broken line from Point A to Point B and Point C to Point D on the plan at Appendix 2 to this report.
- ii) That a Deed of Dedication be made to upgrade part of Footpath Felling 11 as shown with a bold yellow line from Point B to Point C on the plan at Appendix 2 to this report.

Grant delegated authority to the Strategic Director of Corporate Services and Governance to undertake the following:

- iii) To complete and publicise a deed of dedication to dedicate Bridleway Felling 51 as shown with a broken line from Point A to Point B and Point C to Point D on the attached plan at Appendix 2 to this report and to upgrade part of Footpath Felling 11 as shown with a bold yellow line from Point B to Point C on the plan at Appendix 2 to this report.

Contact: Rob Hindhaugh extension 3094

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

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

Pelaw and Heworth.

9 BACKGROUND INFORMATION

None

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