

Monday 7th November 2016

TITLE OF REPORT: Dedication of a Bridleway on
Chopwell Mineral Line west of North Terrace,
Chopwell

REPORT OF: Strategic Director of Communities and Environment

Summary

This report relates to the proposed dedication of a bridleway and the upgrade of sections of Footpath Blaydon 11 and Footpath Blaydon 14 to bridleway, at the west of North Terrace, Chopwell, Gateshead.

Purpose of the report

- 1) To seek authority from the Rights of Way Committee to upgrade a section of Footpath Blaydon 14 to bridleway from Point A to Point B as shown with a solid black line on the plan at Appendix 2. In addition, to upgrade a section of Footpath Blaydon 11 to bridleway from Point C to Point D as shown with a solid black line on the plan at Appendix 2. Also the dedication of a bridleway from Point B to Point C and Point D to Point E as shown with a solid green line on the plan at Appendix 2.

Background

- 2) The Chopwell Mineral Line runs from west to east between its junctions with Footpath Blaydon 14 and North Terrace, Chopwell, as shown from Point A to Point E on the plan at Appendix 2. It is a route that is used daily by walkers and horse riders for recreation purposes and access to the north end of Milkwellburn Wood.
- 3) There are short sections of Footpaths Blaydon 14 and 11, which run along part of the Chopwell Mineral Line linking the respective footpaths to the north and south sides of the mineral line as shown with a solid black line from Point A to B and from Point C to D on the plan at Appendix 2.
- 4) Despite the above, there is no recorded public right of way that links between Footpaths Blaydon 14 and 11, hence the proposal to dedicate a section of bridleway between those two footpaths as shown with a green line from Point B to Point C and from Point D to Point E on the plan at Appendix 2. This would then provide a continuous link of bridleway between the two upgraded sections of Footpaths Blaydon 14 and 11, which then link onto adopted highway, at North Terrace, Chopwell.

- 5) The Chopwell Mineral Line is shown on the Ordnance Survey Explorer Map 307, published in 2005 as a bridleway. However no confirmation has been received as to why that has been shown on that map as a bridleway. Consequently, site investigations have revealed that the public do use and recognise the Chopwell Mineral Line as a bridleway.
- 6) In light of the above, the Council is proposing to upgrade two sections of Footpaths Blaydon 14 and 11 and in addition dedicate a section of bridleway via a deed of dedication, because both the upgrades and the dedication of bridleway are all on Council owned land.

The Law

- 7) The proposal to upgrade to bridleway a section of Blaydon Footpath 11 and a section of Footpath Blaydon 14 along with the dedication of the Chopwell Mineral Line as a bridleway, which are wholly on Council owned land, means that the Council can dedicate those bridleways 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 bridleways would provide an essential link that is already well used by the public in the area.
- 8) The Council can confirm that if a deed of dedication was to be made by the Council for the proposed two upgrades to bridleway and the dedication of a new section of 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

- 9) Consultation is not statutorily prescribed for a deed of dedication. However, consultation letters were sent out to the ward councillors of which no comments were received, and to the representatives of 6 local user groups, of which 5 responses were received. No objections were made to the proposal.
- 10) The consultation originally proposed the recording of the Chopwell Mineral Line as a footpath but strong representations were made by the British Horse Society and the Chopwell Wood Horse Riding Association to have the Chopwell Mineral Line recorded as a bridleway. After considering these representations and investigating the matter further it was evident that the Chopwell Mineral Line is being used as a bridleway and it would be beneficial to dedicate it as such. The response from the British Horse

Society and the two responses from the Chopwell Wood Horse Riding Association are appended at Appendix 3.

Conclusion

11) In conclusion it is the view of Officers that a deed of dedication should be made to upgrade the sections of Footpaths Blaydon 14 and 11 to bridleway as shown with a solid black line from Point A to B and Point C to D on the plan at Appendix 2; along with the dedication of a section of bridleway along the remainder of the Chopwell Mineral Line as shown with a solid green line from Point B to Point C and from Point D to Point E, because it would add to the convenience and enjoyment of a substantial section of the public and would provide a safe link onto a further network of highways.

Recommendation

The Rights of Way Committee approves:

- i) That a Deed of Dedication be made on Council owned land to:
 - a. upgrade a section of Footpath Blaydon 14 to bridleway from Point A to Point B as shown with a solid black line on the plan at Appendix 2 to the report,
 - b. to upgrade a section of Footpath Blaydon 11 to Bridleway from Point C to Point D as shown with a solid black line on the plan at Appendix 2 to the report and
 - c. the dedication of a bridleway from Point B to Point C and Point D to Point E as shown with a solid green line 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:

- (ii) To complete and publicise a deed of dedication to:
 - a. upgrade a section of Footpath Blaydon 14 to Bridleway from Point A to Point B as shown with a solid black line on the plan at Appendix 2 to the report,
 - b. to upgrade a section of Footpath Blaydon 11 to Bridleway from Point C to Point D as shown with a solid black line on the plan at Appendix 2 to the report and
 - c. the dedication of a bridleway from Point B to Point C and Point D to Point E as shown with a solid green line on the plan 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

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

Chopwell and Rowlands Gill

9 BACKGROUND INFORMATION

None