

OPEN

Highways and Transport Committee

19th September 2024

Proposed Public Path Creation

Agreement: Hulme Walfield

Public Footpath No. 2

Report of: Peter Skates, Director of Growth and Enterprise

Report Reference No: HTC/31/24-25

Ward(s) Affected: Brereton Rural

Purpose of Report

1. This report seeks approval to enter into a Public Path Creation Agreement with the owner of land over which a Public Footpath runs, to change its legal status to that of Public Bridleway.
2. The work of the Public Rights of Way team contributes to the Corporate Plan aim of “A thriving and sustainable place” and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

Executive Summary

3. The Council has the agreement of a landowner to enter into a Public Path Creation Agreement to change the legal status of Hulme Walfield Public Footpath No. 2 to Public Bridleway so that it may be used by walkers, wheelers, cyclists and horse riders. The proposal to do so was included within planning consent granted for a housing development, with the route being constructed for that purpose. This report seeks the decision to enter into the Agreement to enact the change of the legal status of the route.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Decide that a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980 to change the legal status of Public Footpath No. 2 in the Parish of Hulme Walfield, as illustrated on Plan No. HA/151, to Public Bridleway.
 2. Decide that public notice of the making of the Agreement be given.
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4. Bloor Homes (North West) Ltd. secured planning consent (ref. 16/3107C) for the Alderley Gate development in the Parish of Hulme Walfield on the outskirts of Congleton. Under that planning consent, Hulme Walfield Public Footpath No. 2, which runs from Giantswood Lane to Lomas Way along the edge of the development site, was constructed to a specification suitable for use by cyclists as well as walkers and wheelers to aide both active travel and leisure. The aspiration of local horse riders to change the legal status of the route to Public Bridleway had also been logged through consultation on the Council's statutory Rights of Way Improvement Plan.
 5. Now that the estate roads have been adopted, the landowner is in a position to enter into a Public Path Creation Agreement under section 25 of the Highways Act 1980 to change the legal status of the Public Footpath to that of Public Bridleway. This will mean that it can be signed and mapped as a bridleway so that walkers, wheelers, cyclists and horse riders can use the route.
 6. Hulme Walfield Public Footpath No. 2 commences at its junction with Giantswood Lane (C315) at Ordnance Survey grid reference SJ 8574 6435 and runs for approximately 381 metres to its junction with Lomas Way (UY3607) at Ordnance Survey grid reference SJ 8594 6467. The route is shown on Plan No. HA/151 running between points A and B. Giantswood Lane forms part of the National Cycle Network route No. 55.
 7. The route was constructed to a 3m width and runs within a green infrastructure corridor maintained under the arrangements for the public open space of the development site. A proposal to install dropped kerbs at the ends of the route to ease onward travel is being assessed by Cheshire East Highways presently.

Consultation and Engagement

8. The proposal to change the legal status of the Public Footpath to Public Bridleway was included within the consultation undertaken for the development, and was captured within the planning consent.
9. Due to the proximity of the route to boundaries, consultation regarding the proposed Public Path Creation Agreement has been undertaken with the Ward Member of Brereton Rural Ward, and also that of Congleton West and Gawsforth. No comments were received.
10. Again due to the proximity of the route to boundaries, consultation regarding the proposed Public Path Creation Agreement has been undertaken with Hulme Walfield and Somerford Booths Parish Council and Congleton Town Council.
11. Congleton Town Council considered the matter at its Planning Committee meeting held on 8th August 2024. The draft minutes of the meeting read that the Committee “*Resolved to support the proposal*”.
12. Hulme Walfield and Somerford Booths Parish Council responded with the following comments. A response was provided as stated in italics against each point below. This response was acknowledged by the Parish Council and circulated to Parish Councillors. No further comments or questions were received.
 - 1) “We welcome the proposal for the upgrade of this important public path. It will form part of a fitness trail which is presently being planned jointly with Redrow for the benefit of residents including the Bloor and Redrow developments. This is part of our wider plan to improve our network of active recreation routes, complementing the West East Greenway.”

Response: Noted.

- 2) “We request further details of the surface and edging of the path. It needs to be appropriate for horse riders, and ideally not tarmac, with a slight curved profile from centre to edge to promote drainage. It should also reflect the rural nature of this hedge/tree lined avenue.”

Response: The route has already been constructed suitable for use as a bridleway - this was delivered through the planning process. The route is made of compacted stone and has a 3m width of surfacing set within a wider green corridor.

- 3) "The legacy gate stoop to Giantswood Lane should be incorporated in the design along with suitable safety measures/barriers on both sides of FP2 Giantswood Lane. This must include appropriate statutory highway signs to advise motorists of the need to slow down and take care of all users crossing."

Response: The stone gate posts and bollards at Giantswood Lane would remain in place - there is no proposal to change that arrangement. Highway signs to advise motorists are not normally installed unless a promoted walking/cycling route meets a road in a derestricted area. However, I will include your comments in the committee report and have passed your comments on to the Highways team assessing the proposed installation of dropped kerbs.

The Highways team subsequently commented that the current bollards are considered consistent with the national guidance document Cycle Infrastructure Design Local Transport Note 1/20. However, they will assess the need for additional signage for motorists, the cutting back of vegetation at the exit of Public Footpath No. 8 opposite the entrance of the proposed Bridleway and whether any measures are required to slow users of the proposed Bridleway as they approach Giantswood Lane.

- 4) "In this respect and recognising the forthcoming East West Greenway crossing of Giantswood Lane at Mount Pleasant Farm, that a new speed limit of 30 mph order should be promoted from the present Giantswood Lane 30 mph end through at least to the link road overbridge and cycle way junctions if not onwards to the north end of Hulme Walfield settlement, to promote the safety of all residents and active recreation users. There is no public footpath beyond existing development but increased recreational activity in the vicinity warrants speed reduction on this relatively narrow part of a National Cycleway route."

Response: This request is beyond the scope of the decision to be presented to the Highways and Transport Committee. However, I will include your comments in the committee report and have passed your comments on to the Highways team assessing the proposed installation of dropped kerbs.

The Highways team subsequently commented that the speed limit on Giantswood Lane would have been assessed under the Speed Management Strategy, with the current speed limit considered appropriate.

- 5) "That an appropriate barrier be incorporated at the junction of FP2 and Lomas Way. This issue has been raised previously and is required to ensure the safety of all but particularly young children and cyclists, due to the reduced visibility on the right hand side of the Lomas Way junction."

Response: There are already bollards in place at the junction of FP2 and Lomas Way as installed through the consented plans under the planning process. Many cyclists and those using wheelchairs etc. are keen to see the removal of barriers, and the Council receives requests for the removal of such structures, particularly in the Congleton area. That said, the visibility at this location has been highlighted to the Highways team assessing the proposed installation of dropped kerbs and I have passed your comments on to them.

The Highways team subsequently commented that the current bollards are considered consistent with the national guidance document Cycle Infrastructure Design Local Transport Note 1/20, with the change in direction on the route acting to reduce users' speed before approaching the carriageway.

- 6) "That consideration be given to a statutory 20 mph limit on both Redrow and Bloor developments, promoting great safety for children, residents and active recreation users. This complements and reinforces the 30mph design standards in the approved consents."

Response: This request is beyond the scope of the decision to be presented to the Highways and Transport Committee. However, I will include your comments in the committee report and have passed your comments on to the Highways team assessing the proposed installation of dropped kerbs.

Highways Development Control subsequently explained that highway design would have been considered as part of the planning application and a mandatory 20mph speed limit was not applied to the development as the internal road design was engineered to 20mph, and included speed reducing measures.

- 7) "It was also commented that it would be excellent if this Bridleway could be linked into the other footpaths. There is a small gap between FP8 and the Bridleway. I appreciate this may not be something you are looking to do under this particular project, but long term, this would go a long way to improve the bridleway and footpath network within the Parish."

Response: The small gap between Footpath No. 8 and Giantswood Lane ... will likely form part of the extent of the highway of Giantswood Lane. Upgrade of any other footpath to bridleway status would involve separate landowners and therefore have to form part of a separate project, resources permitting.

13. Public notice of any Public Path Creation Agreement would be placed in a local newspaper, as required in the Highways Act 1980, as well as on site and on the Council's website.

Reasons for Recommendations

14. In accordance with Section 25 of the Highways Act 1980 it is within the Council's discretion to enter into a Public Path Creation Agreement with any person having the necessary power for the dedication of a bridleway.
15. The entering into of a Public Path Creation Agreement would form the legal process through which the change of status from Public Footpath to Public Bridleway that was agreed through the planning process can be enacted.
16. The Act creates a duty of the Council to have due regard to the needs of agriculture (including the breeding or keeping of horses) and forestry, and to the desirability of conserving flora, fauna and geological and physiological features. It is considered that these matters have been assessed and accommodated through the planning process which consented the physical construction of the route.

Options Considered

Option	Impact	Risk
Do nothing	Not entering into the Public Path Creation Agreement would leave the public with uncertainty as to the legal status of the Public Right of Way and may cause inconvenience to the landowner with regards to the transfer of the land to their management company.	Failure to complete the legal process could leave the Council open to challenge and negative publicity in light of the preceding planning consent.

Implications and Comments

Monitoring Officer/Legal

17. Under s25 Highways Act 1980 a Public Path Creation Agreement can be made in respect of a footpath, bridleway or restricted byway. A Public Path Creation Agreement under s25 Highways Act 1980 shall be entered into with the landowner if the recommendations are supported by the Committee.
18. From the date stated in the Public Path Creation Agreement the path will become a public path of the description given in the agreement and become maintainable at the public expense.

Section 151 Officer/Finance

18. There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

Policy

19. The work of the Public Rights of Way team contributes to the Vision of the Corporate Plan of a greener Cheshire East, with the aim of “a thriving and sustainable place” and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

Vision – An open, fairer, greener Cheshire East

Aim - A thriving and sustainable place

- A great place for people to live, work and visit
- Welcoming, safe and clean neighbourhoods
- Reduce impact on the environment
- A transport network that is safe and promotes active travel.
- Thriving urban and rural economies with opportunities for all
- Be a carbon neutral council by 2027

Equality, Diversity and Inclusion

20. There are no direct equality, diversity and inclusion implications.

Human Resources

21. There are no direct human resources implications.

Risk Management

22. There are no direct risk management implications.

Rural Communities

23. There are direct positive effects from the Public Rights of Way network for rural communities, through connectivity, access to services, leisure and active travel.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

24. There are no direct implications for children and young people.

Public Health

25. The work of the Public Rights of Way team contributes to the health and wellbeing of Cheshire East residents.

Climate Change

26. The Council has committed to becoming carbon neutral by 2027 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.
27. The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

Access to Information	
Contact Officer:	Genni Butler Countryside Access Development Manager genni.butler@cheshireeast.gov.uk
Appendices:	Plan No. HA/151
Background Papers:	The background papers and file relating to the report can be inspected by contacting the report writer.