

CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	12 December 2011
Report of:	Greenspaces Manager
Subject/Title:	Highways Act 1980 – Section 25 Creation Agreement for a New Public Bridleway in the Parishes of Nantwich and Wistaston

1.0 Report Summary

- 1.1 The Connect2 Crewe to Nantwich Greenway project proposes to create an off-road cycle route between the two towns. In June 2010 the Public Rights of Way Committee resolved that the Council enter into creation agreements with the landowner who has agreed to dedicate part of this route as a public bridleway so that pedestrians, cyclists and horse riders may use the route. Following further negotiations with the landowner, tenants and nearby residents, a revised route is now proposed.

2.0 Recommendations

- 2.1 That creation agreement(s) under Section 25 of the Highways Act 1980 be entered into with the appropriate person(s) with capacity to dedicate to create a new public bridleway in the Parishes of Nantwich and Wistaston, as illustrated on Plan No. HA/023(2), and that public notice be given of these agreement(s).

3.0 Reasons for Recommendations

- 3.1 The landowner has agreed to dedicate the proposed route as a public bridleway as part of the Connect2 Crewe to Nantwich Greenway project.
- 3.2 Consultation undertaken for the statutory Rights of Way Improvement Plan identified the need for an increase in the number of bridleways available for local people to use. This need has arisen due to the lack of bridleways in the Borough and the high traffic volume and speed on rural roads on which users have to ride.

4.0 Wards Affected

- 4.1 Nantwich North & West and Wistaston.

5.0 Local Ward Members

- 5.1 Councillor P Butterill and Councillor A Moran,
Councillor M Simon and Councillor J Weatherill.

6.0 Policy Implications including - Carbon Reduction - Health

- 6.1 Projects completed under the Rights of Way Improvement Plan (ROWIP) are aligned with the health and wellbeing objectives and priorities of the Council as stated in the Corporate Plan (2.1.1 Encouraging healthier lifestyles) and the commitment to the Change4Life initiative.
- 6.2 In addition, the ROWIP, as an integrated part of the Local Transport Plan, is set within the context of indicators concerning sustainable transport, air quality and CO₂ emissions.

7.0 Financial implications

- 7.1 None arising.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Under Section 25 of the Highways Act 1980, a local authority has power to enter into an agreement with any person having the capacity to dedicate a public right of way. The path will become a public bridleway and maintainable at the public expense on a specific date as stated in the agreement.
- 8.2 The Highways Act 1980 requires the authority to have regard to the needs of agriculture and forestry (including the breeding and keeping of horses), and to the desirability of conserving flora, fauna and geographical and physiographical features. In this case, the route alignment and necessary works have been amended and agreed with the landowner.
- 8.3 Under Section 25 of the Highways Act 1980, there is no statutory right for objection to the proposal.
- 8.4 Planning permission for this element of the Connect2 Crewe to Nantwich Greenway project is being sought by Highways. This is due to the considerable length of the route and the fact that the route will, once legally established, be surfaced with bitumen tarmacadam.

9.0 Risk Management

- 9.1 No risks are foreseen.

10.0 Background and Options

- 10.1 The proposed route runs from OS grid reference SJ 6594 5367 off the A51 (known as the Sainsbury's roundabout) in the Town of Nantwich and travels in a generally north-easterly direction for a distance of approximately 1.9 km to its junction with the A530 Middlewich Road by Wistaston Green Road (known as the Rising Sun junction) in the Parish of Wistaston, at OS grid reference SJ 6729 5501, as shown in Plan No. HA/023(2) (showing the indicative route subject to final negotiations with the landowner(s)).
- 10.2 The route will be established to Sustrans' Connect2 Greenway Design Guide standards for multi-user routes: this includes a tarmac surface of 2.5 - 3 metres width for cyclists and pedestrians and a verge for equestrian use of 2.5 metres width.
- 10.3 The Connect2 Crewe to Nantwich Greenway project is being funded by external grants secured from a range of sources including Sustrans Connect2, North West Development Agency, Department for Transport Links to School, Waste Recycling Environmental and planning gain. The project, including the proposed public bridleway element, has the support of the above bodies.
- 10.4 The proposed bridleway element forms the central spine of the Connect2 project. Works have already been undertaken on the project in Nantwich (a new bridge over the River Weaver and cycle route links from Welsh Row and from the A51 to the Barony Park) and in Crewe (cycle route links from Queens Park to Wistaston Green Road via King George V playing fields and Valley Brook public open space areas).
- 10.5 The landowner is in support of the proposed creation agreements.
- 10.6 Nantwich Town Council, Wistaston Parish Council and the local Members have been consulted; Wistaston Parish Council responded to say that no objections were raised. No other responses have been received.
- 10.7 A stakeholder group has been established. A number of events have been held to promote the Connect2 project: a public consultation event was held at the Nantwich Festival in October 2009 at which a questionnaire survey returned 99% of respondents in support of the project.
- 10.8 In June 2010, the Public Rights of Way Committee resolved to enter into a creation agreement with the landowner(s) to establish the route as a public bridleway.
- 10.9 Following continued negotiations with the landowner, tenants and adjacent residents, a revised route is now proposed. This route, shown in the appended plan, avoids the areas of contention around Alvaston

Hall and adjacent properties that were raised regarding the initial proposed route.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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