

CHESHIRE EAST COUNCIL

REPORT TO: PUBLIC RIGHTS OF WAY COMMITTEE

Date of Meeting: 10 June 2010
Report of: Mike Taylor, Green Spaces Manager
Subject/Title: Highways Act 1980 – Section 25
Creation Agreement for a New Public Bridleway in the
Parish of Bollington

1.0 Report Summary

- 1.1 Discussions have been in progress in Bollington for a number of years to establish a bridleway to connect Redway in Kerridge to an existing public bridleway in Rainow parish. It is proposed that the Council enter into creation agreements with the landowners who have agreed to dedicate this route as a public bridleway.

2.0 Recommendations

- 2.1 That creation agreements under Section 25 of the Highways Act 1980 be entered into with the appropriate persons with capacity to dedicate to create a new public bridleway in the Parish of Bollington, as illustrated on Plan No. HA/009/Outline, and that public notice be given of these agreements.

3.0 Reasons for Recommendations

- 3.1 The landowners have agreed to dedicate the proposed route as a public bridleway and there is notable public support for the creation of that route as a public bridleway.
- 3.2 Consultation undertaken for the statutory Rights of Way Improvement Plan of the former Cheshire County Council 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 Bollington and Disley Ward.

5.0 Local Ward Members

- 5.1 Councillor M Davies, Councillor H Davenport and Councillor D Thompson.

6.0 Policy Implications including - Climate Change - Health

- 6.1 The development of new horseriding routes for local residents and visitors alike is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Corporate Plan (2.1.1 Encouraging healthier lifestyles), the Local Area Agreement (National Indicator 8 Adult participation in sport and active recreation) and the Health and Wellbeing Service commitment to the Change4Life initiative.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None arising.

8.0 Financial Implications 2010/11 and Beyond (Authorised by the Borough Treasurer)

- 8.1 The works required to provide surfacing on a section of the proposed route would be paid for from the ROWIP capital allocation from the Local Transport Plan, with a contribution from the Footpaths Advisory Committee of Bollington Town Council. Thereafter, any maintenance works will be resourced by the public rights of way team.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 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.
- 9.2 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 majority of the route is on an existing track and the route alignment and necessary works for that section which is proposed to be remote from that track have been agreed with the landowners.
- 9.3 Under Section 25 of the Highways Act 1980, there is no statutory right for objection to the proposal.

10.0 Risk Management

- 10.1 No risks are foreseen.

11.0 Background and Options

- 11.1 The proposed route runs from OS grid reference SJ 9371 7716 off Redway in Kerridge in the Town of Bollington and climbs in a generally north-easterly and then easterly direction for a distance of approximately 330 metres to its junction with public bridleway No. 43 in the Parish of Rainow, at OS grid reference SJ 9398 7727, as shown in Plan No. HA/009/Outline.
- 11.2 The majority of the route runs along an existing concrete track over which runs public footpath No. 17 in the Town of Bollington. A 90m section of the proposed route would be created away from the track in order to avoid a tight and steep corner. This decision was arrived during a site meeting held on 13th October 2009 as a solution to potential safety concerns raised. The meeting was attended by the landowners of the proposed route, lessors of the land either side of the proposed route, adjacent landowners who have a right of vehicular access along the concrete track, a Public Rights of Way Officer from the former Cheshire County Council, the North West Regional Bridleway Officer from the British Horse Society and the Project Manager of the Kerridge Ridge and Ingersley Vale Countryside and Heritage Project.
- 11.3 Further concerns regarding safety would be addressed through the provision of a verge alongside the concrete track onto which a rider could move should a vehicle approach.
- 11.4 The landowners are in full support of the proposed creation agreements.
- 11.5 Bollington Town Council, Rainow Parish Council and the local Members have been consulted.
Bollington Town Council responded:
“The Council discussed this item at their Planning Meeting on 11th May 2010 and resolved to support the proposal”. Further, the minutes of the Town Council’s Footpaths Advisory Committee meeting held on 28th September 2009 read that “should the creation of a Bridleway along the route of FP17 go ahead the committee would like to support the scheme with a contribution towards a gate”.
Rainow Parish Council responded:
“As far as the Parish Council understand landowners, on the existing bridleway 43, have concerns about this proposal. The Council would suggest that you contact these landowners to discuss this with them.” Each of the landowners whose names were forwarded by the Parish Council have been contacted directly.

Councillor Davies responded:

“I fully support [the proposal] ... I believe the upgrade will be in the public interest”.

- 11.6 A petition has been received from the Footpaths Advisory Committee of Bollington Town Council to which 93 signatories offered their support for the extension of the bridleway in Rainow into Bollington via public footpath No. 17. Further, 6 individuals have submitted independent correspondence in support of the proposal and the Kerridge Residents' Association have written to state their support for the proposal.
- 11.7 East Cheshire Ramblers commented that the group is “happy to support the current proposed extension of Rainow Bridleway 43/ upgrade of Bollington Footpath 17 and to see the satisfactory resolution of this long standing problem”. The Ramblers' Footpath Inspector for Bollington has studied the new route and concluded that it “enables the complete separation of horse and walkers soon after the entrance by Redway House. When the flatter summit of the road is attained there is open visibility and sufficient room and thus no problem arises”.
- 11.8 Further correspondence has been received from 7 individuals who raise objections to the proposed bridleway, including landowners along the existing public bridleway in Rainow and a tenant of land crossed by the proposed bridleway and the existing bridleway. Concerns about horseriders meeting walkers, children and dogs along the very popular route were raised by a number of the correspondents. One stated that they “have the strongest objection of this proposal on safety grounds”. Each of these user groups is permitted to use any public bridleway. Clear lines of sight are available along the proposed route and at the one location where the existing track follows a steep and tight corner, a separate route for the proposed bridleway is planned.
- 11.9 Concerns were raised regarding issues of health and safety concerning the narrowness of the public bridleway in Rainow, it being “locally very constricted and with several lateral and horizontal gradients” and “extremely muddy for most of the year ... and as a consequence it is very slippery”. Users have concluded that this existing public right of way is narrow, but manageable. Any further works required to improve the existing public bridleway will be considered through normal maintenance procedures.
- 11.10 Questions were raised as to the deterioration of the surface of the existing public bridleway due to increased usage, resulting in the surface being more difficult for people to use. Any issues arising will be dealt with through normal maintenance procedures.
- 11.11 One landowner raised issues concerning animal health due to the predicted increase in use of the existing bridleway by horses. The level of animal health risk attributable to the use of a public bridleway by

horses is the same in this instance as in any other land parcel crossed by such a public right of way.

- 11.12 A number of correspondents, including a tenant of land crossed by the proposed bridleway and the existing bridleway noted that “the [proposed] change of status will impact on the safety and security of my livestock on these pastures” through gates being left open by users of the proposed bridleway causing cattle to stray onto the public highway. Correspondents suggested that the likelihood of gates being left open would rise through increased use and, in particular, through use by horseriders. The one additional gate that is proposed to be installed on the line of the proposed bridleway would have a self-closing mechanism.

12.0 Overview of Year One and Term One Issues

- 12.1 None arising.

13.0 Access to Information

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

Name: Genni Butler
Designation: (Acting) Countryside Access Development Officer
Tel No: 01606 271817
Email: genni.butler@cheshireeast.gov.uk