

MEETING : **RIGHTS OF WAY COMMITTEE**
DATE : **29 MARCH 2004**

REPORT OF : **JULIAN PELLATT, COUNTY RURAL AND RECREATION OFFICER**

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HIGHWAYS ACT 1980: SECTION 25
DEDICATION OF PUBLIC BRIDLEWAY NO.6, IN THE PARISH OF EATON, MACCLESFIELD

INTRODUCTION

1. An agreement has been reached with Fairclough Homes, a residential development company whose northwest base is in Sale, Cheshire, to dedicate a public bridleway over existing footpath no.6 in Eaton in the Borough of Macclesfield. The route to be dedicated is shown as a black dashed line between points A and B and will run along a new estate road between points B and C on the attached plan no. C/011A.

BACKGROUND

2. An application was received in 1994 from Mrs P.Amies on behalf of the Border Bridleways Association for a modification order to upgrade public footpath no. 6 Eaton to a bridleway. The application was based on user evidence. The then landowner, Mr. Harper, indicated that he would object to the application.

3. Footpath no. 6 was created by a Town & Country Planning Act diversion made by the Minister of Transport in 1968 which stopped up an existing bridleway to allow for residential development and provided this length of public footpath. The bridleway had formed part of the original Havannah Lane, the continuation of which was evidently used by the public but had no recorded status.

3. Footpath no.6 now links with Havannah Lane. An order to record Havannah Lane as a Byway Open to all Traffic was confirmed at Public Inquiry in 2002.

4. This now meant that the application for the bridleway claim could be considered in light of it linking to a byway. Negotiations were undertaken with Mr. Harper, who was intending to sell the site with planning permission, to investigate whether he would be prepared to dedicate the path as a bridleway rather than go through the modification application process which might delay any approved development. At that time Mr. Harper was reluctant to enter this process as he felt it might reduce the value of the site. The planning application for the site was refused and Mr. Harper then sold the land to Fairclough Homes.

5. Fairclough Homes have agreed to dedicate the footpath as a bridleway and they included this proposal in their recent planning application which was approved in late January this year. The bridleway will form part of the new estate road for half of its length between points C and B, on the attached plan C/011A, and then will run along a 3 metre wide path between points B and A.

6. A section of the footpath between point A and Byway Open to All Traffic no.8 does not belong to Fairclough Homes and a Land Registry search has shown that the land is not registered. This section would need to be the subject of a further creation agreement, if the landowner can be identified or if not, a creation order would be necessary.

7. The applicant for the modification order is satisfied with the proposal and has indicated her willingness to withdraw this application on the satisfactory completion of the creation of a bridleway to link with Byway no.8

CONCLUSION

8. Section 25 of the Highways Act 1980 provides that a local authority can enter into an agreement with a landowner to create a footpath or bridleway over their land. Where such an agreement is entered into, the local authority has a duty to secure the dedication of the route in accordance with the agreement. The dedication of this bridleway is in the interests of the public as it will provide a useful link for cyclists and horse riders to Byway no. 8 and replace the original bridleway that was closed in 1968. This proposal would also supersede the modification application and lead to it being withdrawn.

RECOMMENDED: That

(1) approval be given to the making of a public path creation agreement in accordance with the provisions of Section 25 of the Highways Act 1980 for the dedication of Public Bridleway no. 6 Eaton as shown on the plan C/011A, subject to the path being in a condition satisfactory to the County Council prior to the agreement being concluded.

(2) approval be given to a public path creation agreement/order being sought with landowner/s at present unknown, to connect Bridleway no.8, to be created in (1) to Byway no.8

Local Member	<i>Cllr Marc Asquith</i>
Background Documents	PROW file no.5/180
Available for Inspection at	PROW Unit, Goldsmith House, Hamilton Place, Chester

HIGHWAYS ACT 1980 S.25 AGREEMENT FOR THE DEDICATION OF A PUBLIC BRIDLEWAY IN THE PARISH OF EATON, BOROUGH OF CONGLETON



Bridleway to be dedicated



Parish & borough boundary

Scale
 1:1500

Plan No.
 C/011A

March 2004

Grid References
 of path:
 387027 364556
 to
 387162 364517

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