

# **CHESHIRE EAST COUNCIL**

## **REPORT TO: PUBLIC RIGHTS OF WAY COMMITTEE**

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**Date of Meeting:** 10 June 2010  
**Report of:** Green Spaces Manager  
**Subject/Title:** Highways Act 1980 – Section 25  
Creation Agreement for a New Public Bridleway in  
the Parishes of Nantwich and Wistaston

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### **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. It is proposed that the Council enter into creation agreements with the landowner(s) who has agreed to dedicate part of this route as a public bridleway so that pedestrians, cyclists and horseriders may use the route.

### **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. 13.01.10, 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 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 Nantwich and Rope Ward.

## **5.0 Local Ward Members**

- 5.1 Councillor Brian Dykes, Councillor Andrew Martin, Councillor Arthur Moran, Councillor Brian Silvester, Councillor Margaret Simon and Councillor Ray Westwood.

## **6.0 Policy Implications including - Climate Change - Health**

- 6.1 The development of active travel options for travel between Crewe and Nantwich will also contribute to Local Area Agreement indicators concerning air quality and CO<sub>2</sub> emissions.
- 6.2 The development of new walking, cycling and 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 All funding for the project is being sourced from external grants and planning gain. Maintenance for the proposed route will be undertaken by Highways.

## **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, part of the route is on an existing track, with the route alignment and necessary works being agreed with the landowner.
- 9.3 Under Section 25 of the Highways Act 1980, there is no statutory right for objection to the proposal.

- 9.4 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 tarmac.

## **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 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 2.5 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. 13.01.10 (showing the indicative route subject to final negotiations with the landowner).
- 11.2 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. Part of the route runs along existing tracks which will be upgraded to this standard.
- 11.3 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.
- 11.4 The proposed bridleway element forms the central spine of the Connect2 project. Works have already been undertaken, or are in progress, on the project in Nantwich (a new bridge over the River Weaver and cycle route links from Welsh Row) 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).
- 11.5 The landowner is in full support of the proposed creation agreements.
- 11.6 Nantwich Town Council, Wistaston Parish Council and the local Members have been consulted; no responses have been received.
- 11.7 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. Further engagement is planned during 2010.

- 11.8 Three residential properties lie adjacent to the proposed route. Each has been contacted with responses from two having been received to date. The property owners are concerned about the proposal and wish to object given the proximity of the route to their properties. The residents state that the proposal would reduce the seclusion and privacy of their homes and devalue the properties. The residents suggested alternative options for the project including possible route amendments. These are being discussed with the landowner, their agent and their tenant with the aim of reaching a conclusion which is reasonably satisfactory to all parties.

## **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:

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