

Report of Public Rights of Way Manager

Report to Parks and Countryside Management Team

Date: 7th August 2015

Subject: Declaration of Footpaths and Bridleways at Gamblethorpe Tip

Are specific electoral Wards affected? If relevant, name of Ward:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Garforth & Swillington
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. To seek authority to accept the declaration by Waste Management of six bridleways and a footpath over land owned by Leeds City Council at the former Gamblethorpe Tip site, and thus adding the footpath and bridleways to the Definitive Map and Statement of Public Rights of Way.

Recommendations

2. The Natural Environment Manager is requested to authorise the City Solicitor to declare the routes shown on Background Document A at the former Gamblethorpe Tip site as public rights of way which will result in the addition of six bridleways and a footpath to the Definitive Map and Statement.

1 Purpose of this report

1.1 To seek authority to accept the formal dedication of six bridleways and a footpath on land at Gamblethorpe Tip by Waste Management and add them to the Definitive Map and Statement as public rights of way.

2 Background information

2.1 The site is the former Gamblethorpe Landfill which ran between 1988 and 1997. It was part of restoration works for a former open cast coal mine. Impermeable engineered soil layers having been constructed to form base and sidewall liners to the landfill mass. At the cessation of tipping the site was capped with inert, but permeable materials, comprising a mixture of subsoil and construction and demolition waste, in 2001 an engineered cap and gas collection/leachate extraction system was installed.

2.2 The site also incorporated a Household Waste Sorting Site. In 2011 this site was permanently closed and demolished. In accordance with the planning permission for the site, the area was landscaped and a footpath and bridleways were constructed for public use. The footpath and bridleways are shown on Background Document A.

3 Main issues

3.1 The land over which the footpath and bridleways run is vested with Waste Management who laid out the footpath and bridleways as part of their restoration of the site following the cessation of the Landfill and Household Waste Sorting Site. They have agreed to declare the footpath and bridleway over this land as public rights of way. A copy of their report agreeing to the declaration is shown as Background Document B.

3.2 Once dedicated the footpath and bridleways will be shown on the Definitive Map and Statement, the surface and structures will be the responsibility of the Public Rights of Way Section.

3.3 The footpath and bridleways have been open and available for public use for a number of years and have been accepted by the public. If the footpath and bridleways were not accepted by declaration it is likely that public rights would eventually be acquired through public use, if they haven't been already. The Public Rights of Way Section could then be required to add the footpath and bridleways to the Definitive Map and Statement by way of a Definitive Map Modification Order which would require additional time and expense through the investigation, making and advertising of the Order.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The decision to accept the formal dedication of the footpath and bridleways by Waste Management and record them on the Definitive Map does not require public consultation or engagement.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 As the decision is not a Significant Operational Decision an EDCI impact assessment is not required. However, a completed EDCI screening is attached at Background Paper C.

4.3 Council Policies and City Priorities

- 4.3.1 Statement of Action DM1 of the Rights of Way Improvement Plan states that we will continue to review the Definitive Map and Statement. Statement of Action DM7 states that we will continue to identify and record all Definitive Map anomalies, missing links and unrecorded paths. Statement of Action ML2 states that we will endeavour to seek new links in the path network. Statement of Action ML4 states that we will concentrate on creating new links to join up the fragmented bridleway network. Statement of Action PW7 states that we will seek to work in partnership with other services within the Council to achieve holistic benefits for the path network, its users and the environment.

4.4 Resources and Value for Money

- 4.4.1 The public rights of way section will be responsible for maintaining the declared footpath and bridleways. This can be carried out within existing budgets and staffing levels.
- 4.4.2 There are no additional staffing implications resulting from the making of the Declaration.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Natural Environment Manager has authority to take decisions relating to the creation of public rights of way under Section 25 of the Highways Act 1980 as set out in the Constitution under Part 3, Section 2C, Officer Delegation Scheme (Council (non-executive) functions), Director of Environment & Housing (u).
- 4.5.2 Under Section 25 of the Highways Act 1980, a local authority can enter into a Creation Agreement with any person having the capacity to dedicate a footpath or bridleway in its area. However, an authority cannot enter into an agreement with itself. Therefore, where an authority owns the land over which a path crosses it is appropriate for the authority to recognise the status of a path by means of declaration.
- 4.5.3 The recommendations in this report do not relate to a key decision, therefore prior notification in the Forward Plan is not necessary.

4.6 Risk Management

- 4.6.1 The bridleways and footpaths are already in use and the declaration will allow continued use, ensure it is maintained and protect it for the future.
- 4.6.2 If the paths are not declared there is the potential for the paths to be claimed by a Definitive Map Modification Order which would require the council to investigate

and make Definitive Map Modification Orders with the time and costs associated with them.

5 Conclusions

5.1 The declaration will enable the recording of the footpath and bridleways on the Definitive Map and Statement ensuring their continued maintenance and availability to the public.

6 Recommendations

6.1 The Natural Environment Manager is requested to authorise the City Solicitor to declare the routes as shown on Background Document A at Gamblethorpe Tip as a public rights of way which will result in the addition of six bridleways and a footpath to the Definitive Map and Statement.

7 Background Documents¹

7.1 Background Document A: Footpath and Bridleways to be Declared by Waste Management

7.2 Background Document B: Waste Management Report

7.3 Background Document C: EDCI Screening

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.