

Report to Chief Officer Waste Management

Background Document B

Date: 8th May 2015

Subject: Declaration of a Footpath and Bridleways between Waste Management and Parks and Countryside

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Garforth & Swillington	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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 issue

1. To seek authority to declare a footpath and bridleways over land owned by Leeds City Council between Waste Management and Parks and Countryside, and thus add a footpath and bridleways to the Definitive Map and Statement of Public Rights of Way.

Recommendation

2. The Chief Officer for Waste Management is requested to approve the declaration of a bridleway over land owned by Leeds City Council. The footpath and bridleways, as shown on plan 'Leeds City Council (Footpaths and Bridleways at Gamblethorpe Tip) Dedication Agreement 2015', will then be added to the Definitive Map and Statement.

1 Purpose of this report

1.1 To seek authority to formally dedicate a footpath and bridleways between Waste Management and Parks and Countryside and add this to the Definitive Map and Statement as a public rights of way.

2 Background information

2.1 The site is a former landfill, used for co-disposal of non-hazardous and hazardous municipal, commercial, trade and industrial wastes between 1988 and 1997. The landfill site was formed as part of the restoration works of a former extensive opencast 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.

2.3 There is a footpath and a number of bridleways which border and bisect the site as can be seen in the site plan 'Leeds City Council (Footpaths and Bridleways at Gamblethorpe Tip) Dedication Agreement 2015'. The footpath and bridleways are four metres wide and are boarded by post and rail fencing and Hawthorne hedge with feathered trees, thus ensuring the public do not have access to the rest of the site.

3 Main issues

3.1 Once the footpath and bridleways are formally dedicated and added to the Definitive Map, Parks and Countryside would then assume responsibility for maintaining the surface of the bridleways.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The decision to formally dedicate and add the bridleway to the Definitive Map does not require public consultation or engagement.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

4.3 Council Policies and City Priorities

4.3.1 Leeds City Council has adopted a Rights Of Way Improvement Plan 2009 – 2017 (ROWIP) part of which involves developing new foot paths and bridleways to link up with existing ones. Adding the footpath and bridleways on Gamblethorpe to the

Definitive Map, would meet with this objective as the new bridleways link to an existing bridleway leading to Temple Newsam and to an existing bridleway opposite Newsam Green Road.

- 4.3.2 The ROWIP also links to the West Yorkshire Local Transport Plan, adopted in April 2011, by adopting an integrated network of railways, roads, cycle paths, bridleways and foot paths to allow people a range of ways in which to travel.

4.4 Resources and Value for Money

- 4.4.1 The public rights of way section will be responsible for maintaining the declared bridleway. Parks and Countryside have confirmed 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 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.
- 4.5.2 The recommendation in this report does not relate to a key decision, therefore prior notification in the Forward Plan is not necessary.

4.6 Risk Management

- 4.6.1 If the footpath and bridleways are not formally dedicated, and therefore not maintained by Parks and Countryside, it may fall into a state of disrepair. The footpath and bridleways may then become a health and safety hazard for the public who use it.

5 Conclusion

- 5.1 The approval to dedicate and add the footpath and bridleways to the Definitive Map will formalise the existence of the footpath and bridleways and who is responsible for their maintenance.

6 Recommendation

- 6.1. The Chief Officer for Waste Management is requested to approve the declaration of a footpath and bridleways over land owned by Leeds City Council. The footpath and bridleways, as shown on 'Leeds City Council (Footpaths and Bridleways at Gamblethorpe Tip) Dedication Agreement 2015', will then be added to the Definitive Map and Statement

7 Background Documents

7.1 'Leeds City Council (Footpaths and Bridleways at Gamblethorpe Tip) Dedication Agreement 2015'