

Report of Public Rights of Way Manager

Report to Parks and Countryside Management Team

Date:

Subject: Declaration of a Footpath between the Canal Towpath, Kirkstall Forge Railway Station and Pollard Lane

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Bramley & Stanningley	
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. To seek authority to declare a public footpath with permissive cycle access over land owned by Leeds City Council Parks & Countryside between Pollard Lane, Kirkstall Forge Railway Station and the adjoining landowner's land, and thus adding a public footpath to the Definitive Map and Statement as shown on Background Document A.

Recommendations

2. The Natural Environment Manager is requested to authorise the declaration of a public footpath along the route as shown on Background Document A between Pollard Lane, Kirkstall Forge Railway Station and the adjoining landowner's land as a public right of way which will result in the addition of a public footpath to the Definitive Map and Statement.

1 Purpose of this report

1.1 To seek authority to formally declare a public footpath between Pollard Lane, Kirkstall Forge Station and the adjoining landowner's land and add this to the Definitive Map and Statement as a public right of way as shown on Background Document A.

2 Background information

2.1 As part of the Kirkstall Forge development and railway station conditions were imposed for the creation of a footpath link between the new station and the canal towpath and a Section 106 Agreement and Deed of Variation provided funding for the provision of footpaths from the canal towpath to the station. A residential development on Pollard Lane contained a clause in the Section 106 agreement for the development of access to the canal towpath with reimbursement of costs associated with this.

2.2 Highways have already approved the funding, design and construction of the footpath between Pollard Lane using the Section 106 and Local Transport Plan funding. Background Document B shows the approval report to the Chief Officer, Highways and Transportation Board.

2.3 Highways have also approved the making of a Creation Agreement with the adjoining landowner for the section of footpath which is not within Council ownership and Legal Services are drafting the Creation Agreement with advice from Public Rights of Way Section.

2.4 Highways used Sustrans to design the footpath and commissioned Parks & Countryside to implement the scheme which has been completed on site. Background Document C shows the footpath provided.

3 Main issues

3.1 Highways have requested that Parks & Countryside declare a public footpath with permissive cycle access over land in their ownership to enable the new footpath to be recorded on the Definitive Map and Statement and maintained as a public footpath. A commuted sum is available to Parks & Countryside from the Section 106 Agreement for the future maintenance of the footpath over council land and over the adjoining landowner's land. Highways have agreed to funding of £2,500 for the officer time and legal fees associated with the declaration.

3.2 The new public footpath and permissive cycle route will enable the public to use the footpath to walk and cycle between Pollard Lane, the railway station and the canal towpath. The adjoining landowner has agreed to enter into a Creation Agreement with Leeds City for the footpath over their land.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Highways have consulted extensively with Network Rail, the West Yorkshire Combined Authority (WYCA), the developers of Kirkstall Forge and the Canal and

Rivers Trust (CRT). Network Rail, WYCA and the developers were supportive of the proposals. CRT have no objection in principal but required a licence agreement to link to the canal towpath.

- 4.1.2 Highways have also consulted with Ward Members and have agreed to the provision of the footpath and the use of Section 106 monies to provide it.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Highways have carried out a full Equality, Diversity, Cohesion and Integration Screening which is attached at Appendix 2 of Background Paper B.
- 4.2.2 The screening found that the footpath would provide a good quality route with an even surface and low gradient which would have a positive impact on all pedestrians and would be of particular benefit to those with wheelchairs or pushchairs, younger and older people as it will provide a traffic free approach to the southern entrance of the station.
- 4.2.3 As the footpath is intended to have permissive cycle access along it, pedestrians and cyclists will be expected to share space. There is a perceived danger within the visually impaired community that can deter them from using shared paths. However, there is no evidence to indicate that such facilities cause conflict.

4.3 Council Policies and City Priorities

- 4.3.1 The declaration of the footpath will contribute towards the Local Transport Plan 2011-2026 proposal 22 to define, develop and manage networks and facilities to encourage cycling and walking and proposal 22 of the Parks and Green Space Strategy where we will contribute to the West Yorkshire Transport Plan by providing sustainable transport routes in our parks and green spaces including the development of cycling routes.
- 4.3.2 The Parks and Green Space Strategy proposal 19 states that we will promote and develop green corridors for recreation, conservation and transport and the declaration of the footpath and permissive cycleway will contribute towards this.
- 4.3.3 The Rights of Way Improvement Plan Statement of Action PW3 states that we will work with other services within the Council to achieve holistic benefits for the path network, its users and the environment and the declaration of a footpath and permissive bridleway will benefit path users.
- 4.3.4 Leeds Vision 2030 states that Leeds will be a city that has increased investment in other forms of transport such as walking and cycling routes to meet everyone's needs and people can have access to walking and cycling routes and the declaration of this footpath and permissive cycleway will contribute towards this investment.

4.4 Resources and Value for Money

- 4.4.1 Should Declaration be made, minor maintenance may be required occasionally, the cost of which can be met through the use of the commuted sum provided by the Section 106 Agreements.

- 4.4.2 The Section 106 Agreements have provided for the funding for the laying out of the new public footpath and permissive cycleway as well as the costs of the declaration.
- 4.4.3 There are no additional staffing implications resulting from the making of the Agreement or 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 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 adjoining landowner has agreed to enter into the Creation Agreement for the dedication of the public footpath and permissive cycleway over their land.

5 Conclusions

- 5.1 The declaration of the public footpath over Parks & Countryside land will provide a public footpath and permissive cycleway to meet the conditions of the planning applications and Section 106 agreements and will provide a safe walking and cycling route for the public to access the station, canal towpath and Pollard Lane.

6 Recommendations

- 6.1 The Natural Environment Manager is requested to authorise the declaration of a public footpath along the route as shown on Background Document A between Pollard Lane, Kirkstall Forge Railway Station and the adjoining landowner's land as a public right of way which will result in the addition of a public footpath to the Definitive Map and Statement.

7 Background Documents¹

- 7.1 Background Document A: Public Footpath and Permissive Cycleway to be declared over Parks & Countryside Land
- 7.2 Background Document B: Report to Chief Officer, Highways and Transportation Board
- 7.3 Background Document C: Public Footpath and Permissive Cycleway Plan

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.