

Report of Public Rights of Way Manager

Report to Parks and Countryside Management Team

Date: 2015

Subject: Declaration of a Footpath between Cote Lane and the Ring Road, Farsley

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Calverley & Farsley	<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 issues

1. To seek authority to declare a footpath over land owned by Leeds City Council between Cote Lane and the Ring Road, Farsley, and thus adding a 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 the route shown on Background Document A between Cote Lane and the Ring Road, Farsley as a public right of way which will result in the addition of a footpath to the Definitive Map and Statement.

1 Purpose of this report

1.1 To seek authority to formally dedicate a footpath between Cote Lane and the Ring Road, up to but not including the steps at the bridge, near Dawson's Corner, Farsley and add this to the Definitive Map and Statement as a public right of way.

2 Background information

2.1 The footpath was brought to the attention of the rights of way section from an enquiry from Councillor Carter regarding its status. Local residents had reported that the path was partly overgrown.

2.2 The footpath between Cote Lane and the Ring Road, near Dawson's Corner, Farsley is a tarmac path in good condition, with street lighting. It is not recorded on the Definitive Map and Statement, and is not adopted. It is vested with the Housing department of Environment and Housing.

3 Main issues

3.1 The path is well used and has existed for a number of years. Public rights have most likely come into existence through use and at Common Law. Councillor Carter, on behalf of local residents has requested that it be added to the Definitive Map and Statement.

3.2 A Declaration would save time and money investigating the status of the path. As the council own the land a Creation Agreement cannot be used to record the footpaths as the council cannot enter into an agreement with itself. A Creation Order or Modification Order would incur additional time and costs for the council and could be subject to objections which could incur additional costs of a Public Inquiry. It is therefore requested that the path be declared to be a public footpath and added to the Definitive Map and Statement. The addition of this path to the Definitive Map would legally secure its status as a public right of way.

3.3 The vesting department, Environment & Housing, have agreed to transfer the footpath to the Public Rights of Way Section and are willing to sign a Declaration. An e-mail confirming this is shown as Background Paper B.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation is not required for a Declaration, but was undertaken with appropriate Council Departments. There were no objections.

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 is attached at Background Document 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 continue to review the Definitive Map and Statement.
- 4.3.2 Statement of Action DM2 of the Rights of Way Improvement Plan states that we will take a proactive approach to dealing with DMMO applications.
- 4.3.3 The Rights of Way Improvement Plan Statement of Action DM7 states that we will continue to identify and record all Definitive Map anomalies, missing links and unrecorded paths. The Declaration will provide a link in the path network.
- 4.3.4 Statement of Action ON8 of the Rights of Way Improvement Plan states that we recognise the importance of some urban ginnels as through routes and will endeavour to protect them for future use.
- 4.3.5 Statement of Action PW3 of the Rights of Way Improvement Plan 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 surface of the declared footpath, excluding street lighting. 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 Housing department has agreed to dedicate the footpath. This avoids the need to make a Modification Order. Thus saving time and money.
- 4.6.2 The Declaration will eliminate the possibility of a Public Inquiry as it is not possible for other parties to object to a Declaration.

5 Conclusions

5.1 The footpath is already laid out and in good condition. It is used by the public as a footpath and the landowners have agreed to dedicate it as a public footpath. Use of a Declaration will reduce costs and the time taken to record the path compared to a Definitive Map Modification Order

6 Recommendations

6.1 The Natural Environment Manager is requested to authorise the declaration of the route as shown on Background Document A between Cote Lane and the Ring Road, up to, but not including the steps at the bridge, near Dawson's Corner, Farsley as a public right of way which will result in the addition of a footpath to the Definitive Map and Statement.

7 Background Documents¹

7.1 Background Document A: Location Map

7.2 Background Document B: E-mail from Environment & Housing

7.3 Background Document C: EDCI Screening Form

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.