

Report of Public Rights of Way Manager

Report to Parks and Countryside Management Team

Date: 1st February 2019

Subject: Declaration of a Bridleway between The Ring Road Shadwell and Winn Moor Lane

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Crossgates & Whinmoor, Harewood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? 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 bridleway over land owned by Leeds City Council between Ring Road, Shadwell and Winn Moor Lane and thus adding a public bridleway to the Definitive Map and Statement as shown between A and B on Appendix A.

Recommendations

2. The Natural Environment Manager is requested to authorise the declaration of the route as shown on Appendix A between Ring Road, Shadwell and Winn Moor Lane as a public right of way which will result in the addition of a bridleway to the Definitive Map and Statement.

1 Purpose of this report

- 1.1 To seek authority to formally dedicate a public bridleway between Ring Road, Shadwell and Winn Moor Lane on the line of the permissive bridleway and add this to the Definitive Map and Statement as a public right of way as shown between A and B on Appendix A.

2 Background information

- 2.1 A permissive bridleway was established on Leeds City Council owned land around the north western perimeter of the Red Hall site since the early 2000s and it was in use by the public since at least 1996 and possibly earlier. At this time there was potential for the development of the Red Hall site in the future so the route was only provided on a permissive rather than public basis and signed accordingly. The permissive bridleway to be dedicated is shown in pink between A and B on Appendix A.
- 2.2 A claimed footpath runs from the permissive bridleway to Red Hall Lane across the playing fields. This area is likely to be developed in the future and the claimed footpath could be diverted or dedicated at this time if public rights exist.
- 2.3 A Definitive Map Modification Order Application has been made for a claimed footpath from the permissive bridleway to Winn Moor Lane by Wainscott Cottage. If there is found to be evidence that public rights exist this will be added to the Definitive Map and Statement by making an evidential Modification Order. The Definitive Map Modification Order Application is currently being investigated but a decision has not been made. Appendix B shows the claimed paths in green.

3 Main issues

- 3.1 The Red Hall site is to be developed with the new East Leeds Orbital Road being laid out through the northern part of the site. Most of the permissive bridleway will remain on its existing line through a small parcel of land at the north western end of the new road. This land is to remain largely undeveloped as natural habitat connecting to a pocket park on the Five Acres area of Red Hall.
- 3.2 As part of the East Leeds Orbital Road a stone surfaced bridleway route will be provided along the northern and eastern side of the road for public use from the permissive bridleway at the north western end to Barnbow Lane, Austhorpe at the south eastern end. The existing permissive bridleway will form the final 475 metres of this bridleway linking it to the Ring Road at Shadwell. The first 15 metres of the permissive bridleway at the Ring Road, Shadwell and the last 85 metres at Winn Moor Lane will be realigned and improved. Part of the claimed footpath across the Red Hall Playing Field will also be realigned and improved by the East Leeds Orbital Road and includes the provision of a bridge for cyclists and pedestrians across the East Leeds Orbital Road. These alterations are included in the East Leeds Orbital Road Side Roads Order which will result in these sections being recorded on the Definitive Map and Statement so would not need to be included in the declaration. Appendix C shows the effects of the East Leeds Orbital Road on the permissive bridleway.

- 3.3 Funding has also been secured for improvements to the A6120 to create a cycle Superhighway from King Lane to the East Leeds Orbital Road at Shadwell with a shared use footway and equestrian path between the permissive bridleway and Leeds Bridleway 104 to the west.
- 3.4 In order to ensure continued connectivity of the East Leeds Orbital Road, the A6120 Cycle Superhighway and the existing bridleway network it is proposed that the permissive bridleway be dedicated as a public bridleway by making a declaration. User groups, the Leeds Local Access Forum, those working on the Shadwell Neighbourhood plan and other council departments have been seeking clarification of the status of the permissive bridleway here and a declaration would make the status clear. If this section of bridleway was left as a permissive path there would always be the potential for the loss of the path in the future which would have a significant impact on the wider bridleway network including the new bridleways to be provided by the Council. If the permissive bridleway were closed in the future a Definitive Map Modification Order Application is likely to be received which the Public Rights of Way Section would have to determine.
- 3.5 The bridleway would be recorded to a width of three meters and currently has a natural surface. Colleagues in Land and Property have said that in principle a surface dressing could be provided along this section of the bridleway when new bridleways alongside the East Leeds Orbital Road and A6120 cycle Superhighway Improvements are constructed although the trees may limit the surfaced width to less than 3 metres in places.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation is not required but was undertaken with Local User Groups, Ward Members, the Parish Council and appropriate Council Departments.
- 4.1.2 The Byway and Bridleway Trust and British Horse Society support the dedication of the route as a bridleway.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A completed EDCI is attached at Appendix D.

4.3 Council Policies and City Priorities

- 4.3.1 The Rights of Way Improvement Plan Statement of Action DM1 states that we will continue to review the Definitive Map and Statement and DM7 states that we will continue to identify and record all Definitive Map anomalies, missing links and unrecorded paths. ML2 states that we will endeavour to seek new links in the path network. ML4 states that we will concentrate on creating new links to join up the fragmented bridleway network. The recording of the permissive bridleway as public and the new links that have been achieved through East Leeds Orbital Road and the improvements to the A6120 will help with these Statements of Action.

4.3.2 The Local Transport Plan 3, 2011-2026, proposal 22 states that Leeds City Council will define, develop and manage networks and facilities to encourage cycling and walking. Leeds Vision 2030 aims for Leeds to 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. The Parks and Green Space Strategy proposal 19, states that we will promote and develop green corridors for recreation, conservation and transport and proposal 22 states that 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. The dedication of the permissive bridleway as a public bridleway will help towards these aims and objectives.

4.4 Resources and Value for Money

4.4.1 The public rights of way section will be responsible for maintaining the declared bridleway. This can be carried out within existing budgets and staffing levels. Furthermore, if the route becomes public rather than permissive there will be opportunities to secure improvements to the bridleway through East Leeds Orbital Road and the A6120 improvements.

4.4.2 There are no additional staffing implication 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 Communities & Environment (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 permissive bridleway is currently in use by the public and owned by Parks and Countryside so there is no change to public or maintenance liability arising from the dedication as a public right of way. Declaring it will enable it to be improved when the East Leeds Orbital Road is constructed.

5 Conclusions

- 5.1 The declaration of the permissive bridleway as public would ensure its future use and enable the new links to the East Leeds Orbital Road bridleway and the A6120 to continue as a through bridleway route. If it is a public bridleway improvements as part of these road works could also be made to the surface. There is limited change to maintenance and public liabilities as it is currently owned by Leeds City Council and vested with Parks and Countryside and used by the public.

6 Recommendations

- 6.1 The Natural Environment Manager is requested to authorise the declaration of the route as shown on Appendix A between Ring Road, Shadwell and Winn Moor Lane as a public right of way which will result in the addition of a bridleway to the Definitive Map and Statement.

7 Background Documents¹

- 7.1 None.

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.