



Report of Public Rights of Way Manager

Report to Parks and Countryside Management Team

Date: 13th November 2020

Subject: Creation Agreement to Widen Leeds Footpath No. 75

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Weetwood and Moortown	
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 type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. To seek authority to create additional footpath width by agreement over land between Hollin Drive and Stonemill Approach, Meanwood thus enabling the widening of parts of Leeds Public Footpath No. 75 on the Definitive Map and Statement.

Recommendations

2. The Natural Environment Manager is requested to authorise the City Solicitor to enter into a Public Path Creation Agreement with the landowner in accordance with Section 25 of the Highways Act 1980 to widen parts of Leeds Public Footpath No. 75 between Hollin Drive and Stonemill Approach from a width of 1.2 metres to a width of 2.5 metres between A and B and 2.3 metres between C and D as shown on Background Document A.

1 Purpose of this report

- 1.1 To request authorisation to enter into a Public Path Creation Agreement under Section 25 of the Highways Act 1980 with the landowner to widen parts of Leeds Public Footpath No. 75 between Hollin Drive and Stonemill Approach from a width of 1.2 metres to a width of 2.5 metres between A and B and 2.3 metres between C and D as shown on Background Document A.

2 Background information

- 2.1 Leeds Public Footpath No. 75 between Hollins Drive and Stonemill Approach has a recorded width of 1.2 metres. The section between A and B had a stone slab surface and runs immediately alongside the Mill Leat which has a steep drop. There is a safety fence on the top of the leat preventing walkers accidentally slipping into it. The section between C and D has a recorded width of 1.2 metres but is wider on the ground and has a crushed stone surface. The path is in a residential area and provides good walking links to local facilities, Meanwood Park and schools. Section A to B also carries the Meanwood Valley Train and the Dales Way two popular promoted recreational routes.
- 2.2 Since 2015 the Public Rights of Way Section have received complaints about the condition of Leeds Public Footpath No. 75 (between A and B) relating to the uneven surface, the condition of the safety fencing and the damage to the leat walls which hold up the footpath. We have periodically undertaken inspections and repairs. In July 2019 it was considered necessary to close the footpath on safety grounds when the safety rail became unsafe and a Temporary Traffic Regulation Order was made to close the footpath and it was fenced off at either end to prevent public access and the path remains closed.

3 Main issues

- 3.1 Plans for works were then discussed with the landowner, the Forestry Section and specialist contractors to repair the leat and provide a new safety fence. Concerns were raised that the location and construction of the safety fence right on the edge of the leat had in part, along with trees, lead to the collapse of the leat walls.
- 3.2 Contractors advised that the fence should be installed 45 cm from the edge of the leat. However, the footpath has a recorded width of 1.2 metres in this location and that is also the width available on the ground. Setting the safety fence back would therefore leave a useable width of only 75 cm. This would be insufficient width in making it less convenient and easy to use particularly for those using mobility aids or families using prams, push chairs or carriers. When the popularity of the path and DDA requirements are taken into consideration the reduced width would lead to a substandard provision and make it difficult for path users to pass each other. The landowner agreed that the footpath could be widened to 2.5 metres which would enable a two metre wide useable width path to be provided with the safety fence to the side and a gap to the leat.
- 3.3 In order to formalise the widening of the footpath it needs to be dedicated as a public footpath and recorded on the Definitive Map and Statement and this can be done by the landowner entering into a Public Path Creation Agreement with Leeds

City Council. The landowner is has agreed to this and also offered to widen the footpath over the rest of his land. Due to trees alongside section C to D, it is only possible to provide a footpath here of 2.3 metres without removing trees.

- 3.4 The widening of the footpath to a useable width of 2 metres and 2.3 metres would make the footpath more convenient and easy to use than the existing footpath. The stone slabs on section A to B have also been removed and a new compacted crushed stone surface will be provided making the footpath level, easier to use and less prone to trip hazards from tree roots lifting the slabs.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation is only required with other local authorities. Formal consultations have not been undertaken with user groups, local residents or ward councillors. However, there have been regular enquiries from the ward councillors, local residents and user groups about this footpath and these parties are keen for the works to progress and the footpath to reopen. They are therefore aware of the need to widen the footpath in order to allow the works to proceed and that the landowner is in agreement.

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. Consideration has been given as to the affects that the improvement works and widening of the footpath will have on the different equality characteristics and it is considered that there will be benefits to all members of the public using the footpath.

4.3 Council Policies and City Priorities

- 4.3.1 The Rights of Way Improvement Plan Statement of Action PI1 states that we will take a proactive approach to dealing with path maintenance issues. PI13 states that we will seek to improve path surfaces and drainage. KR1 states that we will build and maintain key recreational routes to higher standards. KR5 states that we will give a higher priority to improving surfaces and drainage along our key recreational routes. ML3 states that we will seek to secure funding to make paths more accessible for people with disabilities. PW4 states that where appropriate we will work with other organisations external to the Council to maximise the benefits that can be achieved for the path network, its users and the environment. Entering into the Public Path Creation Agreement will enable us improve this footpath for the benefit of the public and help meet these objectives.

- 4.3.2 Various plans and policies including Leeds Transport Strategy, Local Transport Plan 3 2011-2026, Climate Change Plan, Best Council Plan, Leeds City Region Green Infrastructure Strategy 2010 and Leeds Vision 2030 aim to encourage healthy active travel, provide walking infrastructure, improve access to green spaces, improve access for people with limited mobility, provide high quality walking routes that are safe and convenient to use and enhance rights of way. The Creation Agreement to widen the footpath will help meet these objectives.

4.4 Resources and Value for Money

- 4.4.1 As soon as may be after the dedication of the way in accordance with the Public Path Creation Agreement the local authority shall give notice of the dedication by publication in at least one local newspaper. The cost of this is approximately £800 which is to be met from existing budgets.
- 4.4.2 Should the Agreement be signed, minor maintenance may be required occasionally, the cost of which can be met through existing budgets.
- 4.4.3 There are no additional staffing implications resulting from the making of the Agreement.
- 4.4.4 There are no compensation costs or payments being claimed by the landowner entering into the Creation Agreement.

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.
- 4.5.3 An Agreement under this section will be on such terms as to payment or otherwise as may be specified in the agreement and may, if so agreed, provide for the dedication of the way subject to limitations or conditions affecting the public right of way.
- 4.5.4 When such an agreement is made it shall be the duty of the local authority to take all necessary steps for securing that the footpath, bridleway or restricted byway is dedicated in accordance with it.
- 4.5.5 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 landowner has agreed to enter into the Creation Agreement. This avoids the need to make a Creation Order that can have claims for compensation associated with it.

5 Conclusions

- 5.1 Works are required on the footpath to make it safe and enable it to be reopened. In order to achieve a useable width the section of footpath alongside the leat needs to be widened. To formalise this and allow the additional width to be legally recorded on the Definitive Map and Statement a Public Path Creation Agreement

is required. The landowner has agreed to enter into one with Leeds City Council and also offered to widen the rest of the footpath over his land.

- 5.2 The widening of the footpath and the maintenance works proposed will provide a more wider, convenient and easy to use footpath for walkers to use.

6 Recommendations

- 6.1 The Natural Environment Manager is requested to authorise the City Solicitor to enter into a Public Path Creation Agreement with the landowner in accordance with Section 25 of the Highways Act 1980 to widen parts of Leeds Public Footpath No. 75 between Hollin Drive and Stonemill Approach from a width of 1.2 metres to a width of 2.5 metres between A and B and 2.3 metres between C and D as shown on Background Document A.

7 Background Documents¹

- 7.1 Background Document A: Proposed Footpath Widening

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.