



Date of Meeting	25th September 2017
Portfolio	Cabinet Member for Housing & Environment
Report Author	Julie Simpson
Public/Private Document	Public

## **Claim to Upgrade Footpaths RocEFp43 and HeyFp11 to Bridleway and add a Bridleway to the Definitive Map and Statement**

### **Executive Summary**

1. The Council is required to maintain and keep under review a map, the Definitive map, and statement showing the public footpaths and bridleways in its area.

One of the circumstances in which the map can be modified is an application to upgrade existing definitive footpaths, following the route being brought into question, to bridleways or, to add a route if evidence can be provided to successfully show that the way has been used by horse and rider for a period of 20 years or more as of right and without interruption in accordance with s.31 Highways Act 1980

The Council has received an application to upgrade two legal footpaths RocEFp43 and HeyFp11 to bridleway and to add a bridleway, the full route claimed is shown on the map appended to this report. The route provides an off-road link with Roods Lane and School Lane for horse riders and cyclist.

The applicant has provided sufficient evidence to comply with the legislation to enable the Council to proceed with the order following the legal procedure; Landowners have been consulted and have not raised any objections.

### **Recommendation**

2. Rochdale and Heywood Township Committee agree with the report and the Council proceed with a legal order to upgrade the footpaths and add the route to create a bridleway over the land as stated.

That if no objections are received to the order that it be confirmed as an unopposed order under paragraph 6 of Schedule 15 to the Wildlife and Countryside Act 1981, and, if relevant objections are received that the order be referred to the Secretary of State for confirmation.

## Reason for Recommendation

3. Evidence has been provided to satisfy the Council and comply with s.31 Highways Act 1980 that a route has been used by the public at large on horseback for the required 20 years or more period.

Only landowners may raise relevant objections and show how they have attempted to prohibit the use by horse riders. Landowners have been consulted and have not raised any objection to the proposal. One landowner supports the claim.

A successful completed order will create a safe off road route for horse riders and cyclists.

Whilst pedestrians are currently the only legitimate users of the footpaths and this would create a multi user route, it is accepted to create routes that legally allow access to other users, a national route of a similar nature is the Pennine Bridleway that allows use by horse riders, cyclists and pedestrians.

## Key Points for Consideration

4. The application has been submitted by a member of the public, it is supported by 33 evidence forms of use ranging from 3 – 73 years, the applicant has informed the landowners of the claim, and complied with the criteria set out in legislation.

The claim (if agreed) will follow a legal procedure and, if any valid objection is received the matter is referred to the Secretary of State. It is a difficult procedure that is only followed by members of the public who are willing to carry out investigation and collate the required number of evidence forms prior to submitting anything to the Council.

It is clear from the evidence that the route is required and albeit it appears that it is horse riders who will benefit from the proposal it does also provide an environmentally friendly off road route for cyclists away from traffic dangers, noise and emissions.

### 4.1 **Alternatives Considered**

The only alternative would be to decline to make the Order. This would mean that the Council was in breach of its duty and would entitle the applicant to appeal to the Secretary of State under paragraph 4 of Schedule 14 of the Wildlife and Countryside Act 1981.

## Costs and Budget Summary

5. The costs associated with this order are internal Officer and Legal costs.

Whilst there is no obligation for the Council to undertake any works to the route should it be upgraded to bridleway I will ensure that all users can use the way safely.

There may be costs related to any works required either to prohibit motorcycles or to ensure safe passage for cyclists and horse riders.

Although there can be additional costs associated with the maintenance of bridleways as horse riders have provided evidence that they have/are currently using the route in its present condition and following an inspection of the route any additional maintenance costs related to the upgrading of the route are considered to be minimal at this moment in time.

## Risk and Policy Implications

6. There are no risks should the council decide not to proceed

## Consultation

7. There is a statutory consultation procedure with the landowners that the applicant is obliged to carry out; a Council Officer also consults the landowners.

The route runs over two boundaries and consultation is required for Rochdale and Heywood Township Committees

### Background Papers

### Place of Inspection

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| 8. File 9676 | Environmental Management, Green Lane, Heywood |
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### For Further Information Contact:

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