



Date of Meeting	16 th February 2021
Portfolio	Cabinet Member for Quality of Place
Report Author	Julie Simpson
Public/Private Document	Public

Create 2 Footpaths Over Land at Springhill Rochdale Under Section 25 Highways Act 1980.

Executive Summary

1. The Council received two applications and evidence for two footpaths to be added to the definitive map and statement, the Council have provided alternatives that are more suitable for the land and to allow other recreational activities to continue without interruption. The applicant and Council have reached an agreement to add the alternative footpaths to the definitive map and statement.

The Council can proceed with a Definitive map modification order to add the routes under section 25 Highways Act 1980 as the land over which they will run is in Council ownership.

Recommendation

2. The members of the Rochdale South Township Committee agree to proceed with a definitive map modification order to add the footpaths under Section 25 Highways Act 1980 and alter the definitive map and statement to show the routes

That following receipt of any instructions from the Head of Environmental Services, the Assistant Director (Legal, Governance & Workforce) be authorised to prepare the appropriate legal documents and execute such documents on behalf of the Council.

Reason for Recommendation

3. The Council are required to keep the definitive map and statement under continuous review, a method of reviewing the map is to proceed with an order to add definitive rights of way following receipt of an application from a member of the public who has successfully shown that a right of way has been used for a period of 20 years or more or should the Council own the

land and add the route(s) under agreement as confirmed under sections of the Highways Act 1980.

The Council has received two applications with evidence to add footpaths to the definitive map and statement, they run over land at Springhill Rochdale.

The footpaths claimed by a member of the public cross over land being used for various recreational activities, to ensure these pursuits are not impeded the Council has offered the applicant two alternative routes, these have been accepted.

The Council may proceed under Section 25 Highways Act 1980 to add the proposed alternative footpaths to the definitive map and statement.

Key Points for Consideration

4. The Council have to maintain and keep the definitive map and statement under continuous review.

The map can be reviewed by adding, deleting or diverting a footpath, bridleway or restricted byway, an alteration to the map and/or statement.

The Council has received two applications from a member of the public to add two footpaths running over Council land in the Springhill area of Rochdale.

The claimed footpaths impact on other recreational activities on this land and the Council have offered alternative routes that have been accepted.

The Council can proceed with a Map Modification Order to add the footpaths to the definitive map and statement by utilising Section 25 Highways Act 1980, this act allows the process to be performed by agreement with landowner, (the Council are the landowner).

4.1

Alternatives Considered

The Council can refuse to make the order under Section 25 Highways Act 1980, however the Council will have to proceed with the applicant's application under Wildlife and Countryside Act 1981 and the footpaths that impede other recreational activities.

Costs and Budget Summary

5. All associated costs related to the order will be paid by the Rights of Way Service.

Should the Definitive Map Modification Order be successful the footpaths will be maintained by Environmental Management Rights of Way Service.

Risk and Policy Implications

6. The risks to the Council relate to the decision whether to proceed with the order, the applicant can report to the Secretary of State who may instruct the Council to make the order for the original claimed routes.

Pursuant to Section 25 Highways Act 1980, a local authority may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath, bridleway or restricted byway over land in their area. An agreement under this section is referred to in this Act as a “public path creation agreement”.

Where a public path creation agreement has been made it shall be the duty of the local authority who are a party to it to take all necessary steps for securing that the footpath, bridleway or restricted byway is dedicated in accordance with it.

As soon as may be after the dedication of a footpath, bridleway or restricted byway in accordance with a public path creation agreement, the local authority who are party to the agreement shall give notice of the dedication by publication in at least one local newspaper circulating in the area in which the land to which the agreement relates is situated.

Consultation

7. The Council are not required to consult with the general public for a Section 25 Highways Act order.

Background Papers	Place of Inspection
8. Julie Simpson	Environmental Management Green Lane Heywood OL10 2DQ

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