

**TELFORD & WREKIN COUNCIL**

**CABINET – 24 JULY 2014**

**DEDICATION OF BRIDLEWAYS AND A FOOTPATH ON COUNCIL OWNED LAND**

**REPORT OF THE ASSISTANT DIRECTOR: DEVELOPMENT, BUSINESS AND EMPLOYMENT**

**LEAD CABINET MEMBERS- CLLRS LIZ CLARE and CHARLES SMITH**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

This report seeks authority to dedicate five bridleways on Council owned land at the Cockshutt Wrockwardine Wood, Rough Park Way Madeley, Halesfield 16, the Town Park and Lees Farm to Meadow Pit (Madeley) and authority to dedicate a Footpath from Copperfield Drive to Marshbrook Way, Muxton.

**2. RECOMMENDATIONS**

**2.1 That the Council agrees to dedicate the five bridleways on Council owned land described in appendices 1-5 to the report at the Cockshutt (Wrockwardine Wood), Rough Park Way (Madeley), Halesfield 16, the Town Park and Lees Farm to Meadow Pit (Madeley) and to create a footpath on Council owned land described in appendix 6 to the report from Copperfield Drive to Marshbrook Way (Muxton).**

**2.2 Delegated authority be given to the Assistant Director; Development, Business & Employment to agree the terms of the deed of dedication of the land described in appendices 1-5 of the report for use by the public as bridleways and the land described in appendix 6 of the report for use by the public as a footpath**

**2.3 Delegated authority be given to the Assistant Director of Law, Democracy and people Services to execute and complete such documentation as may be required to achieve the dedication of the land described in 2.2 above.**

### 3. SUMMARY IMPACT ASSESSMENT

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Active Lifestyles Priority Plan
	Will the proposals impact on specific groups of people?	
	Yes	Specific groups- people's health-users of rights of way.
<b>TARGET COMPLETION/DELIVERY DATE</b>		
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	The work involved in drafting and entering into the required deed of dedication will be done in-house. The cost of bringing the routes to be dedicated up to a required standard and installing any required features such as gates and stiles, and in the case of the footpath construction costs is not expected to exceed £5,500 and capital funding is allocated within the approved capital programme. Even though this proposal sees some Council land being dedicated as rights of way, the Estates and Investment team are satisfied that this does not reduce the value of any Council land. Dealing with these claimed routes by way of dedication saves the Council the time and cost of advertising formal statutory orders to create/record the routes. The ongoing maintenance of these routes will be met from within existing revenue budgets.
<b>LEGAL ISSUES</b>	Yes	All of the concerned bridleways/footpath are the subject of applications to modify the Definitive Map under s53 of the Wildlife and Countryside Act. The claimed ways are on Council owned land. Should the Council agree to dedicate the bridleways/footpath this will avoid the need to process a formal Modification or Creation Order and the possibility of objections being received from the public, and in turn will avoid the possibility of a Public Inquiry , and the

		costs of that inquiry. The effect of the dedication will be that routes will become public rights of way in perpetuity. Further legal comments are set out elsewhere in this report
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	
<b>IMPACT ON SPECIFIC WARDS</b>	Yes	St Georges and Wrockwardine Wood Madeley, Cuckoo Oak, Malinslee, Muxton

## **PART B) – ADDITIONAL INFORMATION**

### **BACKGROUND**

#### **4.1 Officer recommendations**

That a Deed of Dedication be entered into thereby creating the bridleways and a footpath as described on Council owned land at the Cockshutt (Wrockwardine Wood), Rough Park Way (Madeley), Halesfield 16, the Town Park, Lees Farm to Meadow Pit (Madeley) and from Copperfield Drive to Marshbrook Way (Muxton).

**4.1.1** The Deed of Dedication will be made under s1 of the Localism Act 2011.

**4.1.2** Section 53 of the Wildlife and Countryside Act imposes a duty on the Council as highway authority, to keep the Definitive Map and Statement (a record of public rights of way) under continuous review. Under s53, any person can apply to the Council for it to make a Definitive Map Modification Order (DMMO) to have a way added to the map or reclassified as a bridleway, for example.

**4.1.3** A DMMO can be applied for on the occurrence of an 'event', e.g. 20 years of the public using the way as of right (s53(3)(b)).

**4.1.4** If the Council makes a DMMO and, during the objection period, an objection is received regarding the proposed addition/alteration to the Definitive map, the Council is obliged to refer the Order and the objections to the Secretary of State for the Environment, Food and Rural Affairs to be determined – this could result in a Public Inquiry and expense for the Council.

**4.1.5** The routes which are considered in this report are all the subject of outstanding applications for a DMMO.

**4.1.6** Should the Cabinet decide to dedicate the routes as public bridleways and a public footpath, a DMMO procedure is avoided, which is likely to result in reduced cost to the Council in terms of officer time and a possible public inquiry.

4.1.7 Should the Cabinet decide to dedicate the routes as public bridleways and a public footpath, the dedication process is a quick and inexpensive method of creating a route. Alternative methods involve costs of advertising, notices and other notifications. Generally, a landowner can create rights of way by signing a creation agreement with the Council but, because the Council cannot enter into an agreement with itself, this method is not available.

## **4.2 Procedure**

**4.2.1** The proposal relates to the management of Council owned land and decisions regarding the dedication of rights of way can be determined by Cabinet.

**4.2.2** Should Cabinet resolve to dedicate the bridleways/footpath, a Deed of Dedication will be drafted, and signed and sealed by the appropriate officer.

**4.2.3** Notice of the dedication will be sent to the relevant Town/Parish Councils, interested parties and user groups.

## **4.3 Consultations**

No consultations are necessary in the event that the Council resolves to dedicate the bridleways and the footpath.

## **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

### **Community Impact**

The proposed new rights of way will help to achieve priorities and objectives in the Borough's Active Lifestyles Priority Plan, through promoting a physically active lifestyle by 'delivering (sic) a physical infrastructure' and 'improving (sic) recreation opportunities within the natural environment'.

### **Legal Impact**

(see above)

## **6. PREVIOUS MINUTES**

Not applicable

## **7. BACKGROUND PAPERS**

User evidence statements

Historic Maps- R Bough 1808, C J Greenwood, Rocque 1752, Ordnance Survey 1954.

Office copies of the Title Register and Title plans

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## **Appendix 1**

### **Description of Proposed Bridleways at the Cockshutt**

Please see map- Appendix 1A

The Cockshutt is a woody and grassy area in the parishes of St Georges and Priorslee and Wrockwardine Wood and Trench.

Currently the claimed bridleways are definitive public footpaths located entirely on Council owned land.

**Silkin Way-** the Footpath known as the Silkin Way, being approximately. 2.5 metres in width, commences at Point A on the map (Appendix 1A, Map 1), proceeds for approximately 543 metres ending at the junction with Public Footpaths 92 and 91, at Point B

**Footpath 91** -commences at Point B on the map (Appendix 1A, Map 1) being approximately. 2.5 metres in width, continues in a south westerly direction for 100 metres, ending at the junction with Footpath 90 at Point C.

**Footpath 90-** commences at Point C on the map (Appendix 1A), being approximately. 2.5 metres in width, proceeds in a general southerly direction for approximately 207 metres, ending at Point E.

Footpath No 92- begins at Point B, (Appendix 1A, Map 2) being approximately. 2.5 metres in width, proceeds for approximately 285 metres ending at Point F.

**An undesignated path** -begins at Point C, (Appendix 1A, Map 2) being approximately. 2.5 metres in width, proceeds for approximately 222 metres ending at Point M.

**An undesignated path-** begins at Point N on the map [(Appendix 1A, Map 2) being approximately. 2.5 metres in width continues for approximately 109 metres to Point D.

**Footpath 27** -commences at its junction with Footpath 90 at Point E on the map (Appendix 1A, Map 2) being approximately. 2.5 metres in width, proceeds for approximately 117.2 metres in a north-easterly direction ending at Point F. An unclassified path continues south east for approximately 72 metres, ending at Point G, at the junction with Footpath 7.

**Footpath 7-** commences at Point G on the map (Appendix 1A, Map 2) being approximately 2.5 metres in width ,continues north east for approximately 67 metres, linking with Footpaths 21 and 23 at Point H

**Footpath 23- commences at Point H** on the map (Appendix 1A, Map 2) being approximately 2 metres in width proceeding north, then west then north for approximately 109 metres ending at its junction with Footpath 24 at Point I.

**Footpath 24** -commences at Point I on the map (Appendix 1A, Map 2) being approximately. 2.5 metres in width, proceeding in a general northerly direction

for approximately 371 metres terminating at Point M on the map (Appendix 1A, Map 1).

**Footpath No 25**- commences at Point M on the map (Appendix 1A, Map 1, continued north for approximately 192 metres to Point A

**Footpath 22** -commences at the junction with Footpath 24 at Point J on the map (Appendix 1A, Map 2) being approximately 2.5 metres in width continuing in a north easterly direction for 50 metres, ending at Point K , at the junction with Footpath 23.

**Footpath 21** -commences at its junction with Footpaths 23 and 7 at Point H on the map (Appendix 1A, Map 2) being approximately 2.5 metres in width , continues in a north easterly direction for 351 metres, ending at the junction with Byway's 20, 19 and 14, at Point L on the map (Appendix 1A, Map 1).

### **Application**

The application for a DMMO was submitted 18<sup>th</sup> August 2004

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## Appendix 2

### **Description of Proposed Bridleway at Footpath 61 Halesfield 16**

Please see map- Appendix 2A

**Undesignated path-** Commencing at Halesfield 16, Point A on the map (Appendix 2A), being approximately 3 metres wide, and the path continues in a north-westerly direction for approximately 115 metres, where it ends at Point B.

**Undesignated path-** Commencing at Point B on the map (Appendix 2A), the path continues in a northerly direction for 242 metres, ending at Point C. Under the ownership of the HCA (delineated in blue), and adopted as a cycle path. The HCA have agreed to create the bridleway. This will be affected through a separate creation agreement.

**Undesignated path-** Commencing at Point C on the map (Appendix 2A), the path continues in a northerly direction for 216 metres, ending at Point D. Path is adopted as a cycle path.

**Footpath 61-** Commences at Point D on the map (Appendix 2A), the path continues in a northerly then westerly direction for 392 metres, ending at Point E

### **Application**

The application for a DMMO was submitted 23rd October 2007

### Appendix 3

#### **Description of Proposed Bridleway at Court Road to Rough Park Way**

Please see map- Appendix 3A

**Undesignated path-** Commencing at the junction with Court Road at Point A on the map (Appendix 3A) the proposed bridleway being around 3 metres in width continues for approximately 198 metres ending at Point B.

**Footpath 131-** commencing at Point B on the map (Appendix 3A), the path continues in a westerly direction for approximately. 341 metres, ending at Point C. The application for a DMMO was made on 29<sup>th</sup> March 2007.

### Appendix 4

#### **Description of Bridleway at Footpaths 261, 14 & 15, Town Park**

Please see map- Appendix 4A

**Undesignated track-** A track from Point A on the map (Appendix 4A, Map 1) being around 3 metres in width continues for approximately 560 metres, ending at Point B .

**Footpath No 15** –begins at the junction with RUPP 262, at Point C on the map (Appendix 4A, Map 1), being around 3 metres in width continues for approximately 264 metres, ending Point D.

**Footpath No 14** – the path begins at Point E on the map (Appendix 4A, Map 1 ) at the junction with Footpath 15, being around 3 metres in width continues for approximately 243 metres, ending at the junction with RUPP 278, at Point F .

**Footpath No 3** –Begins at Point G on the map (Appendix 4A, Map 1 ) being around 3 metres in width continues for approximately 994 metres ending at the junction with the Silkin Way and Footpath 4 at Point H

**Undesignated track** – the Track begins close to the Arena in the Town Park at Point A on the map (Appendix 4A, Map 1),and being around 3 metres in width continuing for approximately 699 metres, ending at Point I.

**Footpath 4-** Begins at Point I on the map (Appendix 3A, Map 1), continues for approximately 737 metres, ending at Point J. Small sections (shown delineated in blue), are owned by the HCA, who have agreed to the creation of the bridleway. This will be affected by a separate creation agreement.

**Undesignated path-** Begins at Point H on the map (Appendix 4A, Map 2) being around 3 metres in width continues in a general southerly direction for approximately 581 metres to Point K. Adopted cycle path and Silkin Way.

**Undesignated path-** Begins at Point K on the map (Appendix 4A, Map 2) continues in a general southerly northerly direction for approximately 199 metres to Point L. Adopted cycle path and Silkin Way.

**Undesignated path-** Begins at Point L on the map (Appendix 4A, Map 3) being around 3 metres in width continues in a general northerly direction for approximately 921 metres to Point M. Adopted cycle path and Silkin Way.

**Undesignated path-** Begins at Point M on the map (Appendix 4A, Map 4) being around 3 metres in width continues in a general northerly direction for approximately 178 metres to Point N, then continues east for approximately 201 metres, ending at Point O. Adopted cycle path and Silkin Way.

**Footpath 124-** Begins at Point O on the map (Appendix 4A, Map 4) being around 3 metres in width continues in a south-easterly direction for approximately 86 metres, then north and north west for 144 metres, ending at Point P

The Council owns the routes where stated under Title No's SL136821 and `SL97891.

### **Application**

The application for a DMMO was made on 13<sup>th</sup> May 2008.

## **Appendix 5**

### **Description of Proposed Bridleway from Lees Farm to Meadow Pit**

Please see map- Appendix 5A

**Footpath No 143-** The footpath commences at Lees Farm Drive at Point A on the map (Appendix 3A) continuing in a south easterly direction for approximately 495 metres to Point B, then south westerly for approximately 216 metres.. It is approximately 3.0 metres wide.

### **Application**

The application for a DMMO made on 23rd October 2007.

## **Appendix 6**

### **Description of Proposed Footpath from Copperfield Drive to Marshbrook Way, Muxton**

Please see map- Appendix 6A

The Footpath is proposed to commence on Copperfield Drive, close to No 25 Copperfield Drive , at Point A on the map (Appendix 6A) following the boundary to the property in a south easterly direction for approximately 106 metres, where it meets a footpath at Point B. The latter footpath links to the newly constructed cul-de-sac at the end of Meadow Road in Muxton which continues to meet Marshbrook Way.

### **Application**

It is assumed the application for a DMMO was made around October 2010.