

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

ACCESS AND MANAGEMENT AGREEMENT, MESSINGHAM

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider entering into an agreement with a third party, hereafter referred to as CB, for a permissive footpath over land in Messingham (see Appendix).

2. BACKGROUND INFORMATION

- 2.1 There is a permissive footpath along the bank of the River Eau. If approval were granted the permissive access would continue to its junction with North Moor Road, Messingham.
- 2.2 A person with interest in land can enter into an agreement with a planning authority under section 39 of the Wildlife and Countryside Act 1981. This is for the purpose of conserving or enhancing the natural beauty or amenity of land in the countryside or promoting its enjoyment by the public.
- 2.3 The council is a planning authority for the area in which the land comprised in this Agreement is situated, such land being open country.

3. OPTIONS FOR CONSIDERATION

- 3.1 Enter into an agreement with CB to provide a permissive footpath across their land.
- 3.2 Not enter into such an agreement.

4. ANALYSIS OF OPTIONS

- 4.1 This footpath would add to the public's enjoyment of the public rights of way network.
- 4.2 It is acknowledged by the council that the use by members of the public of the path agreed as an access route is on a permissive basis only

and shall not be allowable as evidence to establish routes as public rights of way by reason of uninterrupted use.

- 4.3 The council and CB shall review the agreement after the expiration of first two years, then five years and every five years thereafter.
- 4.4 The agreement shall be for 20 years from the date of the agreement and shall be binding on the heirs and successors in title of CB.
- 4.5 The agreement may be terminated by the council or CB.
- 4.6 The council and CB will promote the enjoyment of the public over the access land. They will also conserve and enhance the appearance and wildlife value of the access land.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

- 5.1.1 The council shall pay the reasonable expenses incurred by the landowner and any reasonable legal costs in connection with the agreement.
- 5.1.2 The council shall pay for the improvement or repair of the existing accesses to the land. This will utilise materials already held by the council
- 5.1.3 The council shall pay for the clearance of vegetation and overgrowth along the route proposed for public access. Existing council employees will undertake the works involved.
- 5.1.4 The council will provide signage along the route using materials already held by the council
- 5.1.5 The council will indemnify CB for actions, claim costs and liability from loss, damage or injury sustained by the public whilst using the access land as per the Agreement.

5.2 Staffing

- 5.2.1 There are no staffing, property or IT implications requiring consideration.

6 OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17-CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory

- 6.1.1 Legal Services will draw up the agreement.

6.2 Environmental

6.2.1 The permissive route would follow the boundary of an open field.

6.3 Risk

6.3.1 None.

6.4 Section 17 Crime and Disorder

6.4.1 None.

7. **OUTCOMES OF CONSULTATION**

7.1 Not required.

8. **RECOMMENDATIONS**

8.1 Enter into an agreement with CB to provide a permissive footpath across land in their ownership.

8.2 The agreement to take effect on the sealing of an Access and Management Agreement.

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Background Papers used in the preparation of this report: "Access and Management Agreement Messingham" held electronically at Church Square House, Scunthorpe