

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**PROPOSED CREATION OF PUBLIC FOOTPATHS,
GOXHILL**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The subject of this report is the seeking of approval to add to the definitive map and statement two new public footpaths in the village of Goxhill: one over land in the ownership of North Lincolnshire Council and the other, subject to members agreeing to enter into an agreement to create such a footpath, over land in the ownership of Goxhill Parish Council.
- 1.2 The one footpath runs into the other. They are, therefore, effectively one route. This would link Restricted Byway 63 (known as the Green Ramper) with Public Footpath 62.

2. BACKGROUND INFORMATION

- 2.1 The proposed creation is a joint endeavour by North Lincolnshire Council and Goxhill Parish Council. Both are wanting to create a length of footpath each that together will form a single route along the south-eastern and south-western perimeters of Goxhill Primary School between the restricted byway known as the Green Ramper and Public Footpath 62 within the village, which runs from Chapel Street to North End. This amounts to 167 metres of new footpath across land within North Lincolnshire Council's ownership and 87 metres of new footpath across land within the Parish Council's ownership.
- 2.2 The Parish Council's section is being created by agreement under section 25 of the Highways Act 1980 to link the new North Lincolnshire Council footpath with the existing Public Footpath No.62, which runs over land within their ownership.

- 2.3 The section of the new footpath within the ownership of North Lincolnshire Council commences at grid reference TA10552198 at a point adjacent to the restricted byway known as the Green Ramper and proceeds in a south-westerly direction along the outer perimeter of Goxhill Primary School for 167m to grid reference TA10452185 where the path enters a playing field within the ownership of Goxhill Parish Council.
- 2.4 Goxhill Parish Council has entered into an agreement under section 25 of the Highways Act 1980 to link the new North Lincolnshire Council footpath with the existing public footpath within the playing field.
- 2.5 Section 25 of the Highways Act 1980 states: "A local authority may enter into agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath over land within their area". As North Lincolnshire Council are both owner and local authority section 25 of the Highways Act is inappropriate as we cannot enter into an agreement with ourselves, hence the approval received from Asset Management and ratified by Full Council.
- 2.6 The PROW General Appendix, including section 25 of the Highways Act 1980, outlines the legal background in more detail.
- 2.7 A copy of an entry in the Monthly Property Schedule is also included with this report. (Please see Appendix 1.) This Schedule is an electronic database of decisions and transactions to be taken or implemented by officers and placed for approval before the Cabinet Member for Asset Management. The entry was made to allow North Lincolnshire Council expressly to dedicate a Public Footpath at Goxhill over land within their ownership. The entry has been ratified by Full Council.

3. ANALYSIS OF OPTIONS

- 3.1 The creation of the footpath would have great public benefit, linking two existing public rights of way. The creation would also provide a safer route to school for children attending Goxhill primary school.
- 3.2 Appendix 2 shows the extent of the land within the ownership of North Lincolnshire Council and the 180-metre-long footpath to which the creation over North Lincolnshire Council's land applies.
- 3.3 The proposal would follow the outer south-eastern perimeter of Goxhill Primary School along an existing grass track.
- 3.4 The width of the proposed creation is two metres throughout for the comfort and convenience of users, including being able to pass one another without difficulty when approaching from opposite directions.

4. **RESOURCE AND OTHER IMPLICATIONS**

4.1 Financial

4.1.1 As the creation should have public benefit, any costs relating to the creation would be met by North Lincolnshire Council. These should amount to approximately £250.00 for the advertisement of the section 25 in the Scunthorpe Telegraph, plus officer time.

4.2 Staffing

4.2.1 From within the existing complement of the Environment Team.

4.3 Property

4.3.1 The new footpath crosses land belonging to North Lincolnshire Council adjacent to Goxhill School. The school are satisfied, however, that the footpath will not effect its day to day running, nor thereafter or intimidate pupils and staff (see paragraph 6.5.1 below).

4.4 IT

4.4.1 None

5. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17-CRIME AND DISORDER, RISK AND OTHER)**

5.1 Statutory

5.1.1 It appears to North Lincolnshire Council that in the interests of the public a public footpath should be created.

5.1.2 A footpath can be expressly dedicated to the public by someone with the capacity to do so. For example, the owner of the land. In this case North Lincolnshire Council. Dedication must be to the public as a whole and be for all time. To come into being the public themselves must accept the dedication. By virtue of the entry in the Monthly Property Schedule dedication has taken place.

5.1.3 Goxhill Parish Council have entered into an agreement under section 25 of the Highways Act 1980 to link the new North Lincolnshire Council footpath with the existing public footpath within the playing field. By advertisement of this agreement and acceptance of the new route by the public dedication will have been deemed to have taken place. (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 over land in their area; Highways Act 1980, section 25(1).)

- 5.1.4 North Lincolnshire Council are obliged to take all necessary steps to secure the dedication of a footpath created by an agreement to which they are party (Highways Act 1980, section 25(5).)
- 5.1.5 As soon as dedication has taken place, we must advertise the fact in at least one newspaper local to the area in question (Highways Act 1980, section 25(6).)
- 5.1.6 Footpaths dedicated to the public in pursuance of a creation order under section 25 of the Highways Act 1980 are maintainable at public expense (Highways Act 1980, section 36(2)(d).)
- 5.1.7 A public footpath is a highway for use on foot only. A restricted byway can be used by all traffic except mechanically propelled vehicles.
- 5.1.8 The new footpaths would have to be added to the definitive map and statement as soon as practicable (Wildlife and Countryside Act, section 53(2)(b).) But because the creations are matters of fact rather than evidence-based, the modifications of the definitive map would not require advertising.

6.2 Environmental and Other

- 6.2.1 An accurate definitive map and statement, as well as being a legal requirement, increases public confidence in the public rights of way network and, therefore, the amount of use made of it by them. This, in turn, helps boost the rural economy, reduce reliance on motor vehicles and promote healthier lifestyles through exercise in the open air.

6.3 Risk

- 6.3.1 None

6.4 Diversity

- 6.4.1. None

6.5 Section 17-Crime and Disorder

- 6.5.1 A 6-metre-high palisade fence has been erected on the boundary of the adjacent school site, thereby securing the school from the public footpath.

6.6 Other

- 6.6.1 None.

7. OUTCOMES OF CONSULTATION

7.1 The views of the following bodies have been sought: a) the Ramblers' Association, b) Byways and Bridleways Trust, c) Lincolnshire Fieldpaths Association, d) the British Horse Society, e) Goxhill Primary School and f) Goxhill Parish Council. None has indicated an intention to object should an order be made.

8. RECOMMENDATIONS

8.1 It is recommended that members acknowledge North Lincolnshire Council's dedication of a public footpath along the outer south-eastern perimeter of Goxhill primary school between the Green Ramper (grid reference TA10552198) and the adjacent playing field (grid reference TA10452185).

8.2 It is recommended further that members approve;

8.2.1 entering into an agreement with Goxhill Parish Council under section 25 of the Highways Act 1980 to dedicate a continuation of the above-mentioned North Lincolnshire Council-dedicated footpath from grid reference TA10452185 to Public Footpath 62 at grid reference TA10392189.

8.2.2 adding the new footpaths, if created, to the "County of Lincoln, Parts of Lindsey (Glanford Brigg)" definitive map and statement in consequence of the dedications. (The relevant modification orders would not be advertised, the legal events causing the orders to be made being the dedication themselves, something that would already have taken place and not, therefore, not open to retrospective challenge. Dedication only comes with acceptance by the public. There would be complicity on the part of the public, therefore, by this stage); and

8.2.3 adding the new footpaths, if created, to the list of streets as highways maintainable at public expense.

Church Square House
SCUNTHORPE
North Lincolnshire
DN15 6XQ

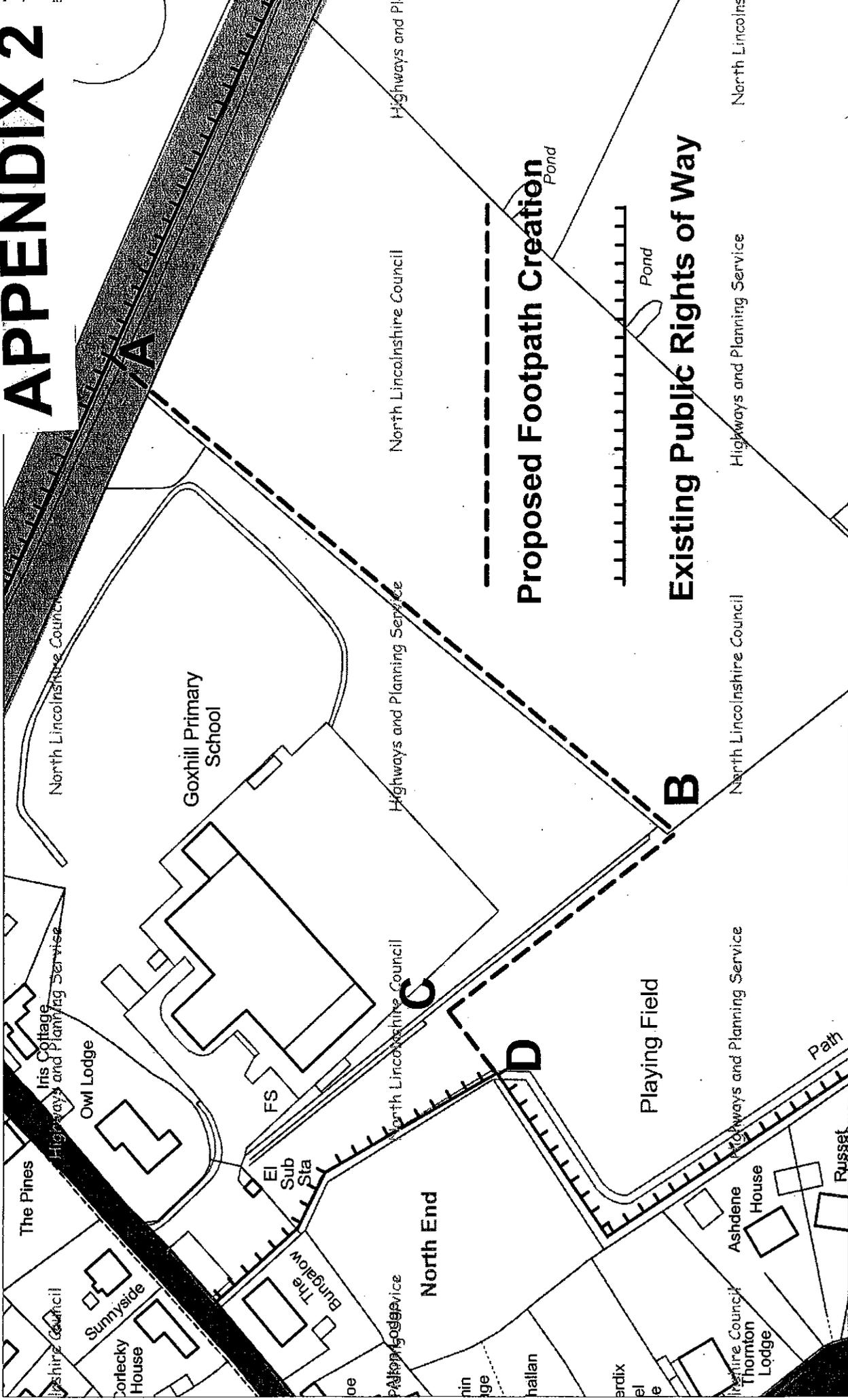
Author: Anita Greener
Date: 11th May 2009

Background Papers used in the preparation of this report: "Creation of Public Footpath Goxhill." File at Church Square House, Scunthorpe.

APPENDIX 1

10542190	JH	VW	Horsegate Field Road Land (West), Goxhill	AMC	Environment Team to serve notice of entry under terms of existing lease to enable the construction of a two metre wide public footpath - The Council hereby agrees to dedicate in perpetuity the necessary strip of land (adjacent the drainage ditch on the southern boundary of the Goxhill Primary School) as a public footpath			
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APPENDIX 2



<p>Proposed Public Right of Way Creation</p> <p>Drawn by: AG</p> <p>Date: 03/07/2008</p>	
<p>Scale: 1:1,250</p> <p>OS Grid Ref: TA10482191</p>	
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Highways and Planning Service
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