

## Record of officer decision

<b>Decision title:</b>	Highways Act 1980, Section 25 Proposed Public Path Creation Agreement in the Parish of Colwall
<b>Date of decision:</b>	14 January 2021
<b>Decision maker:</b>	Acting Assistant Director Highways and Transport / Head of Infrastructure Delivery
<b>Authority for delegated decision:</b>	Directorate scheme of delegation: updated 1 December 2020 Directorate: Economy and Place, section 75.  To act on behalf of the council in respect of the legislation specified in the foregoing:  Traffic Management Act 2004, Road Traffic Act 1988, Cycle Tracks Act 1984, Highways Act 1980, National Parks and Access to the Countryside Act 1948, New Roads and Street Works Act 1991 Road Traffic Regulation Act 1984, Town and Country Planning Act 1990, Town Police Clauses Act 1847, Traffic Calming Act 1992 Wildlife and Countryside Act 1981
<b>Ward:</b>	Hope End
<b>Consultation:</b>	Su Consultations undertaken include: - <ul style="list-style-type: none"> <li>• Local Member – Cllr. Johnson has no objections to the proposal</li> <li>• Colwall Parish Council - Support the proposal.</li> </ul>
<b>Decision made:</b>	The proposed dedication by the landowners is accepted and a creation agreement is made to add a new public footpath to the definitive map and statement in the parish of Colwall as shown in the Plan DED52 attached to this report at appendix A.
<b>Reasons for decision:</b>	To consider a proposed creation agreement under Section 25 of the Highways Act 1980 to add a Public Footpath to the definitive map and statement in the parish of Colwall.
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p><b>Community impact</b> Consultation has been carried out with Colwall Parish Council who are supportive of the proposal. The addition of the footpath would provide a useful local resource and be of benefit to the local community.</p> <p><b>Environmental Impact</b> The proposal seeks to deliver the council’s <u>environmental policy commitments</u> and aligns to the following success measures in the County Plan.</p> <ul style="list-style-type: none"> <li>• Improve residents’ access to green space in Herefordshire</li> <li>• Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport</li> </ul> <p><b>Equality duty</b></p>

The proposed dedication route is level, well maintained and gated. It will provide further access to the countryside with minimal barriers

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Resource implications**

The only costs involved in processing the dedication agreement is to advertise it in a local newspaper which amounts to approximately £400.00 The route has been set out on the ground, including the installation of the gates, by the owners. The proposed path has been set out to an acceptable standard and the Council will therefore not need to expend any funds in setting out the path before it is brought into use. The Council will be responsible for any future maintenance costs for maintaining the path as it will become part of the Council's highways network. Future maintenance costs will be met by the budget allocated to the rights of way service through the annual plan.

### **Legal implications**

The Council has a discretionary power under section 25 of the Highways Act 1980 to enter into a public path creation agreement with landowners. There is no requirement to consult any parties or organisations other than with another local authority, if one is affected.

As stated earlier in this report the Council is satisfied that the parties to the public path creation agreement have the necessary power to dedicate the land forming the new path.

Once the agreement has been signed and as soon as possible after the dedication of the path which is the subject of the agreement the Council must give notice in a local newspaper circulating in the locality of the area in which the land to which the public path creation agreement relates is located. There are no provisions for objections or representations

### **Risk management**

Risk / opportunity	Mitigation
The future maintenance and liability will rest with Herefordshire Council as highway authority	The route already has the required infrastructure in place and is considered low risk in terms of future expense and liability.

<b>Details of any alternative options considered and rejected:</b>	Briefly summarise any alternative options and say why they were rejected.
<b>Details of any declarations of interest made:</b>	If any officers or members involved or consulted in the decision-making have declared an interest you should include the declaration here.

I am an officer delegated to make the decision

Signed:

Print Name: Mairead Lane  
Job Title: Assistant Director Highways & Transport /  
Head of Infrastructure Delivery