



Planning and
Development
Durham County Council
Durham City Centre
Durham City Centre
Durham City Centre

Creation Agreement for
Public Right of Way at
Park Wall North

Footpath to be added
Bridleway to be added
Byway to be added

Scale 1:2,500

Public Rights of Way /
Proposed Public Rights of
Way created by the
proposal
Footpath
Bridleway
Byway
Adopted
Highway

Date: 11 05 2017
Postcode:

Delegated Decision

24 April 2019



PUBLIC RIGHTS OF WAY

Proposed Public Path Creation Agreement

Highways Act 1980

Former Opencast site at Park Wall, Sunnyside, Crook

Ordinary Decision/Key Decision No.

Report of Regeneration and Local Services

Adrian White, Head of Transport and Contract Service

Electoral division(s) affected:

Tow Law

Purpose of the Report

- 1 To consider a proposed public path creation agreement.

Executive summary

- 2 As part of the agreed restoration of the Park Wall Opencast Site a new network of Public Rights of Way has been established.
- 3 A Creation Agreement between the landowner and the County Council is required in order to formally record the new paths.
- 4 Consultations with the Local Member and the Portfolio Holder have been carried out and no objections received.

Recommendation

- 5 It is considered that the proposal delivers the requirements of the planning permission and the section 106 agreement. A Public Path Creation Agreement under section 25 of the Highways Act 1980 is the statutory means by which this is achieved.
- 6 It is RECOMMENDED that a public path creation agreement is made for the dedication of the Public Footpaths and Bridleways as indicated on the attached plan, and the Corporate Director of Resources be informed accordingly.

Background

- 7 The agreed restoration scheme for the Park Wall Opencast Site at Sunnyside, Crook included the establishment of a network of new Public Footpaths and Bridleways to enhance the existing and re-opened network of public rights of way.
- 8 The physical works to establish the new paths has now been completed to the satisfaction of the County Council, and it is therefore necessary to formally record them by means of Creation Agreement between the County Council and the landowners.
- 9 A creation agreement is therefore proposed to create new Footpaths and Bridleways in Crook Parish and new Footpaths in Wolsingham Parish as shown on the attached plan.

Details of any alternative options considered and rejected when making the decision

- 10 The new paths were agreed as part of the planning process for the Park Wall Opencast Site, and represent the outcome of detailed negotiations with UK Coal to provide a network that is compatible with future land use but also provides enhanced and attractive recreational opportunities for the public.

Options

- 11 Any alternative network would not be in accordance with the agreed restoration plan produced as part of the planning process.

Main implications

- 12 Future maintenance responsibility for the new paths will be shared between the County Council and the landowner.

Conclusion

- 13 Agreed to the creation Agreement in accordance with the Recommendation.

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Appendix 1: Implications

Legal Implications

A creation agreement is a relatively simple process whereby paths can be added to the Definitive Map and Statement (DMS). Inclusion on the DMS means that the status of the paths is certain and can be asserted and protected by the Council.

Finance

All physical works to create the path have been carried out by UK Coal as part of their planning obligations. There are no advertising costs associated with a Creation Agreement.

Consultation

With local Member and Portfolio Holder. Cllr Manchester and Cllr Marshall both state they have no objections or problems with the proposals.

Equality and Diversity / Public Sector Equality Duty

Disability Issues – The new paths will be as accessible as possible for the location.

Human Rights

None

Crime and Disorder

None

Staffing

A creation agreement is part of officers' routine work

Accommodation

None

Risk

Minimal

Procurement

None