

1. The Issue

- 1.1 The proposal is to create a Public Footpath (“the Proposed FP”) between Dryleaze and Durley Lane, Keynsham by public path creation agreement between Bath and North East Somerset Council (“the Authority”) and Taylor Wimpey UK Limited.

2. Recommendation

- 2.1 That the Team Manager - Highways Maintenance and Drainage grants authorisation for a Public Path Creation Agreement to be entered into to create the Proposed FP between Dryleaze and Durley Lane in Keynsham as detailed on the plan attached at Appendix 1 (“the Decision Plan”) and in the schedule attached at Appendix 2 (“the Decision Schedule”).

3. Financial Implications

- 3.1 The cost of processing the creation agreement has been funded by pre-agreement from the capital budget. This will cover the legal costs associated with creating the public footpath rights along with the infrastructure required of two pedestrian bridges and a bridle gate. The Proposed FP would become maintainable at public expense.

4. Other Considerations

- 4.1 The Human Rights Act incorporates the rights and freedoms set out in the European Convention on Human Rights into UK law. So far as it is possible all legislation must be interpreted so as to be compatible with the convention.
- 4.2 The Authority is required to consider the application in accordance with the principle of proportionality. The Authority will need to consider the protection of individual rights and the interests of the community at large.
- 4.3 In particular the convention rights which should be taken into account in relation to this application are Article 1 of the First Protocol (Protection of Property), Article 6 (the right to a fair hearing) and Article 8 (Right to Respect for Family and Private Life).
- 4.4 The Authority will consider the effect on Climate Change.

5. The Legal and Policy Background

- 5.1 The Authority has discretion as to whether or not it enters a public path creation agreement. After consideration of the merits of the Proposed FP and consultation as outlined below the Authority considers that there is public benefit to creating the Proposed FP.

5.2 Before proposing entering into a public path creation agreement under section 25 of the Highways Act 1980 (“the Act”) the Authority has had regard to:

- the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area,
- the needs of agriculture and forestry and the keeping and breeding of horses,
- the effect which the creation of the path would have on members of the public with protected characteristics under the Equality Act,
- and the desirability of conserving flora, fauna and geological and physiographical features.

5.3 In addition, the Authority has had regard to the Authority’s adopted Public Path Order Policy. The Policy sets out the criteria against which the Authority will assess the benefit of a proposed public footpath and stresses that the Authority will seek to take a balanced view of the proposals against all the criteria as a whole.

5.4 The criteria are:

- Connectivity,
- Equalities Impact,
- Gaps and Gates,
- Gradients,
- Maintenance.
- Safety,
- Status,
- Width,
- Features of Interest,

6. **Background**

6.1 Development has taken place at Somerdale, Keynsham, by Taylor Wimpey UK Ltd and a tarmacked path has been created for public use from Dryleaze. Taylor Wimpey UK Ltd have agreed that this can be dedicated as a public footpath, along with an unsurfaced route to connect the route to Durley Lane.

6.2 The Proposed FP is to commence from a junction with Dryleaze at grid reference ST 6531 6915 (Point A on the decision plan) and continuing in a generally northwesterly direction for approximately 690 metres to grid reference ST 6485 6963 (point D on the decision plan) and turning in a generally westerly direction for approximately 175 metres to a junction with Durley Lane at grid reference ST 6471 6964 (Point G on the decision plan). The width is to be 3 metres between grid reference ST 6531 6915 (Point A on the decision plan) and grid reference ST 6485 6963 (Point D on the decision plan) and 2 metres between grid reference ST 6485 6963 (Point D on the decision plan) and grid reference ST 6471 6964 (Point G on the decision plan).

- 6.3 The Land is to be dedicated as a public footpath with limitations of the right of the landowner to erect and maintain bollards at grid reference ST 6531 6915 (point A on the decision plan), at grid reference ST 6527 6919 (point B on the decision plan) and at grid reference ST 6506 6939 (point C on the decision plan) and a bridle gate at grid reference ST 6471 6964 (point E on the decision plan).

7. Consultations

- 7.1 Keynsham Town Council, national and local user groups, the Ward Councillors and statutory undertakers were all consulted about the Proposed FP for a period of four weeks (“the Consultation Period”). Additionally, site notices were erected at either end of the Proposed FP and at grid reference ST 6485 6963 (Point B on the Decision Plan) and on the Authority’s website to seek the views of members of the public.
- 7.2 The Ramblers’ local representative responded that he would ‘like to see the outlined changes’ ‘that adds greatly to an easy, enjoyable walk by the river’.
- 7.3 Numerous members of the public responded to the consultation. 4 people supported the proposal using words such as ‘fantastic’, ‘strongly support’, ‘brilliant’ and ‘looking forward to it’. 3 people had questions or required further explanation and one person said he would ‘like to ensure that due consideration is given to preservation of the existing old bridges and culvert when/if the new pathway is created’.
- 7.4 In response to the consultation, a number of statutory undertakers stated that their plant would not be affected.

8. Officer Comments

- 8.1 The Proposed FP will provide the public with an accessible route on foot from Dryleaze to Durley Lane. The necessary bridges at grid references ST 6484 6962 (point E on the Decision Plan) and ST 6472 6962 (point F on the Decision Plan) will be step-free and wide enough to accommodate those with mobility issues. Part of the Proposed Footpath (from point A to point D) is tarmacked and is already well used by members of the public which suggests that it is a convenient and enjoyable route to use. The public have used a slightly different route to access Durley Lane but the Proposed Footpath (from point D to point G) is considered to be an improved surface with new bridges (at point E and point F) and further from the bank of the River Avon, making the Proposed FP a safer alternative with a reduced maintenance liability for the Authority.
- 8.2 **Agriculture, forestry and horses:** the land over which the Proposed FP runs is not used for agriculture, forestry or the keeping or breeding of horses and the proposal will not have any effect in these respects.

- 8.3 **Equalities:** the Proposed FP will provide a firm, level route which will be accessible to users who are mobility or sight impaired. A bridle gate is to be installed at point G but the gate is in keeping with the principles of 'Least Restrictive Access'. Bollards are installed at points A, B and C but this is to provide safety to walkers as the route is also a permissive shared use cycle path. The proposal therefore takes account of members of the public with Protected Characteristics.
- 8.4 **Flora, fauna and geological and physiographical features:** The Proposed FP skirts a designated Wildlife Area, encouraging the public to not roam across the designated area. Currently the public walk across the middle of the Wildlife Area in a haphazard manner and this will be avoided if the public use the Proposed FP. The proposal will therefore have a beneficial impact on these type of features.
- 8.5 **The effect of the diversion on the additional criteria identified in the Authority's Public Path Order Policy;** the Proposed FP will improve the connectivity of the PROW network and, as detailed above, the proposals take account of members of the public with Protected Characteristics. The creation of the Proposed FP would increase the Authority's maintenance responsibility; however, the route has been designed to limit the Authority's potential maintenance costs.
- 8.6 The public benefit associated with increased connectivity and the environmental improvement by less pedestrian traffic over the Wildlife Area is deemed to outweigh the additional maintenance responsibility and it is considered that on balance the proposal is in accordance with the Policy.
- 8.7 The proposal will have a positive effect on the Authority achieving actions which are identified in the Rights of Way Improvement Plan's Statement of Action. The proposal will assist with improving maintenance and safety (theme 1) and improving access for local travel (theme 4), by improving access for all, and taking into account people with mobility difficulties and visual impairments

9. Climate Change

- 9.1 Public rights of way are a key resource for shifting to low-carbon, sustainable means of transport. The proposal is part of the ongoing management of the network and therefore contributes towards helping to tackle the Climate Emergency.

10. Risk Management

- 10.1 There are no significant risks associated with creating the footpath.

11. Conclusion

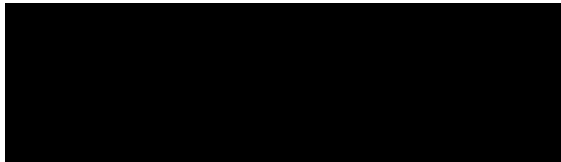
11.1 It appears that the making of such a creation agreement will support the aims of the Rights of Way Improvement Plan and that the proposal is in accordance with the Public Path Order Policy.

11.2 The public path creation agreement should be signed and the Proposed FP created and recorded.

AUTHORISATION

Under the authorisation granted by the Authority on 12 May 2016, the Place Law Manager is hereby requested to seal a Public Path Creation Agreement to create a public footpath from a junction with Dryleaze at grid reference ST 6531 6915 (Point A on the decision plan) and continuing in a generally northwesterly direction for approximately 690 metres to grid reference ST 6485 6963 (point D on the decision plan) and turning in a generally westerly direction for approximately 175 metres to a junction with Durley Lane at grid reference ST 6471 6964 (Point G on the decision plan). The width is to be 3 metres between grid reference ST 6531 6915 (Point A on the decision plan) and grid reference ST 6485 6963 (Point D on the decision plan) and 2 metres between grid reference ST 6485 6963 (Point D on the decision plan) and grid reference ST 6471 6964 (Point G on the decision plan).

The footpath is to be created with limitations consisting of the right of the landowner to erect bollards at grid reference ST 6531 6915 (Point A on the decision plan), grid reference ST 6527 6919 (Point B on the decision plan) and grid reference ST 3503 6939 (Point C on the decision plan) and a bridle gate at grid reference ST 6471 6964 (Point G on the decision plan).



Dated: 01/04/2022

Craig Jackson

Team Manager - Highways Maintenance and Drainage

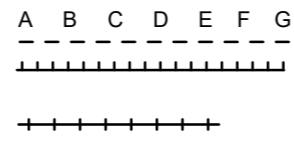
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Appendix 1 – The Decision Plan

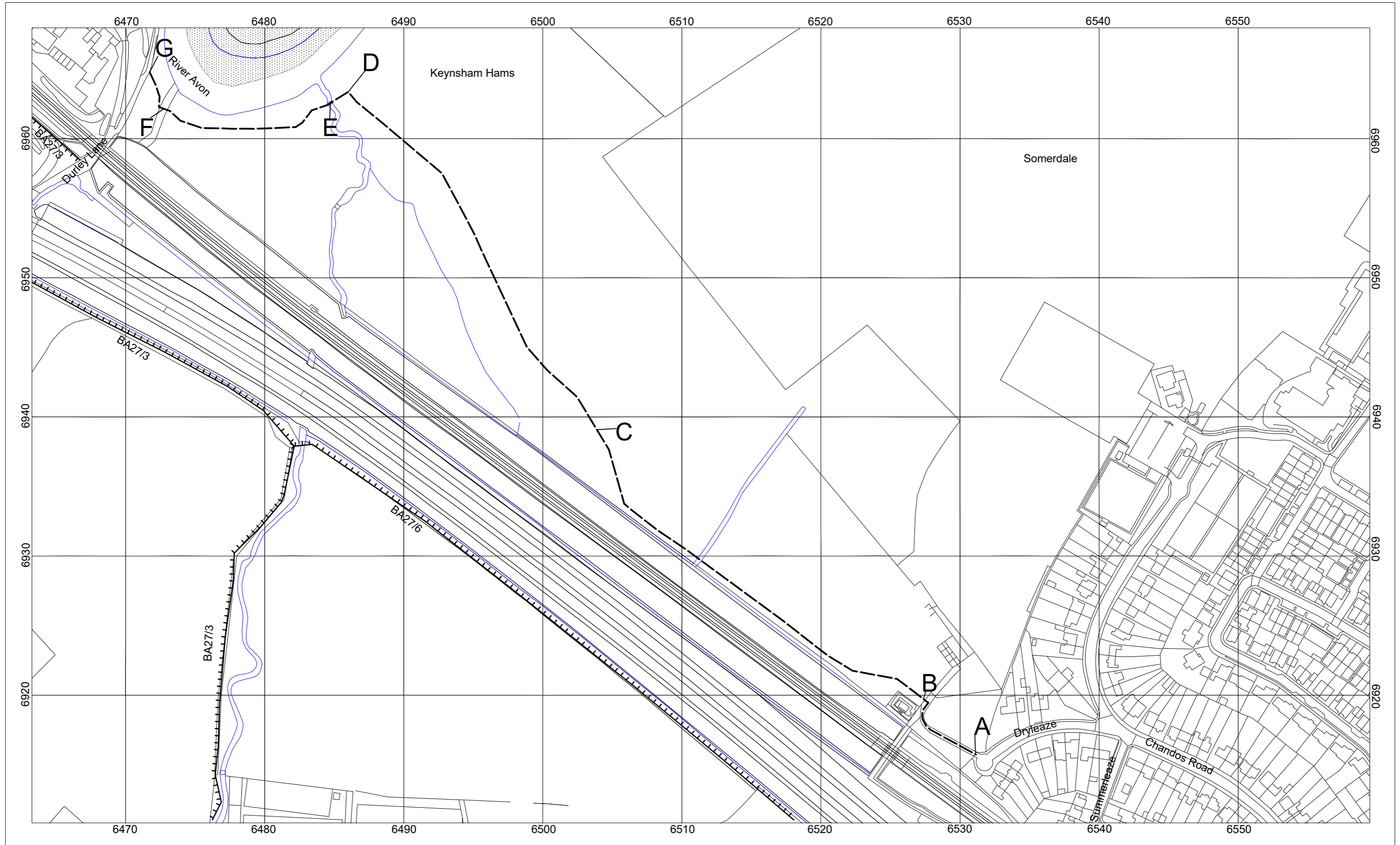
Appendix 2 – The Decision Schedule

**Appendix 1
Decision Plan**

Public footpath to be created
Unaffected public footpath
Unaffected public bridleway



Scale : 1:2,500 @A3



DECISION SCHEDULE

DESCRIPTION OF SITE OF NEW PATH OR WAY

A public footpath commencing from a junction with Dryleaze at grid reference ST 6531 6915 (Point A on the decision plan) and continuing in a generally northwesterly direction for approximately 690 metres to grid reference ST 6485 6963 (point D on the decision plan) and turning in a generally westerly direction for approximately 175 metres to a junction with Durley Lane at grid reference ST 6471 6964 (Point G on the decision plan)

Width: 3 metres between grid reference ST 6531 6915 (Point A on the decision plan) and grid reference ST 6485 6963 (Point D on the decision plan)

2 metres between grid reference ST 6485 6963 (Point D on the decision plan) and grid reference ST 6471 6964 (Point G on the decision plan).

PART 3

LIMITATIONS

Bollards at	grid reference ST 6531 6915 (Point A on the decision plan) grid reference ST 6527 6919 (Point B on the decision plan) and grid reference ST 6503 6939 (Point C on the decision plan)
A bridle gate at	grid reference ST 6471 6964 (point G on the decision plan)