

REPORT OF ACCESS & RIGHTS OF WAY MANAGER

SUBJECT: PUBLIC PATH CREATION AGREEMENT, SOLVA

Purpose of Report

To seek Members' approval for the payment of compensation to the landowner who dedicated the public right of way, in view of the fact that the landowner is a Member of the National Park Authority, Councillor Lyn Jenkins.

Background

By virtue of the Environment Act 1995, the National Park Authority can enter into Public Path Creation Agreements with landowners in order to create new public rights of way (public footpaths and bridleways). Public Path Creation Agreements are governed by Section 25 of the Highways Act 1980. A freehold owner can dedicate a public right of way, maintainable at public expense, where the local highway authority or National Park Authority considers it to be of benefit to the public. This legislation is a useful tool in the management of public rights of way, helping to create new countryside access opportunities and the power is often enacted by local highway authorities. The power to make Creation Agreements has been delegated to officers (16th February 2000). A Creation Agreement made under Section 25 is an irrevocable deed, binding successive land owners and occupiers. The legislation also makes provision for the payment of compensation to a landowner in return for the dedication of a public right of way.

It should be noted that the National Park Authority is not duty bound to enter into Creation Agreements and would only do so if the creation of a public footpath was deemed to be in the public interest. In this case the public footpath at Solva was considered to be a desirable addition to the adjoining public rights of way network and highways. It will improve pedestrian access between Lower Solva and Middle Mill by avoiding the need to walk along the road for a significant distance and also provides an enjoyable extension to the local path network, opening up extensive views of the surrounding countryside and coast. The public footpath that was subject to the Agreement is 923 metres in length and shown on the plan attached to this report. Since work was completed to establish the footpath in April we have observed that it has been well used by walkers.

Comparisons

The National Park Authority has since its establishment in 1996 completed 19 Public Path Creation Agreements.

Options

In this case options to secure the establishment of an additional footpath would have included the dedication of the entire land holding as Access Land under Section 16 the Countryside & Rights of Way Act 2000. This would provide a right of access on foot across the entire land holding which was not appropriate in the circumstances

given the terrain and vegetation and management implications for the long term. The establishment of an informal footpath by permission of the landowner would not necessarily ensure an adequate maintenance commitment and a more formal fixed term Management Agreement, with or without payment, was not an efficient use of staff time and resources when a Public Path Creation Agreement could be prepared and executed.

Financial considerations

The National Park Authority has in the past sought guidance from the Valuation Office specifically in respect of the rates of compensation for the creation of public paths. This guidance ensures that a fair rate of compensation is paid to landowners and enables the National Park Authority to be consistent in its dealings with landowners. The cost of the creation of this public footpath at Solva, including the compensation payment, is funded by the Rights of Way Improvement Plan funding programme, a 100% grant provided by the Welsh Government specifically for the improvements of public rights of way.

Risk considerations

The National Park Authority will only make a single payment, as full and final compensation for the dedication of a public right of way, on completion of the Agreement. Such payment will be in accord with the above guidance and consideration is also given to the affordability of current management budgets. This prevents an open ended commitment being entered into. The long term maintenance of the public footpath was assessed and can be absorbed into future access and rights of way budgets.

Compliance

The creation of the public footpath accords with objectives of the statutory plan, the Pembrokeshire Rights of Way Improvement Plan 2007-2017, specifically Objective B1 - the improvement of town to countryside links and the provision of a more continuous network of public rights of way.

Human Rights/Equality issues

The entitlement to compensation is a statutory right, prescribed by Section 25(4) of the Highways Act 1980.

Biodiversity implications/Sustainability appraisal

The potential impact of the Creation Agreement was fully assessed by the National Park Authority ecologist prior to the establishment of this public footpath. Natural Resources Wales were also consulted with regard to the proposed creation and had no objections.

Welsh Language statement

No issues.

Conclusion

In the circumstances, the single payment of £2,000.00 as full and final compensation for the dedication of a public footpath is considered to be an appropriate course of action, consistent with the long established guidance of the Valuation Office and the exercise of the Park Authority's powers under the relevant legislation.

Recommendation

That Members approve the compensation payment to the landowner.

Background Documents

- Public Path Creation Agreement
- Section 25 of the Highways Act 1980

(For further information, please contact Anthony Richards, Access & Rights of Way Manager extn 4849)

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Creation of Public Footpath

Land at Prendergast, Solva in the Community of Solva, Pembrokeshire

Grid Ref: SM8077 2480

