
REPORT TO:	COMMUNITY SERVICES	AGENDA ITEM: 10
DATE OF MEETING:	11 th April 2002	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	Peter Woolrich Ext 5726	DOC: Patrick.doc
SUBJECT:	FOOTPATH FROM PATRICK CLOSE TO MAIN STREET, LINTON	REF: myfiles/committees/community/patrickclose.doc
WARD(S) AFFECTED:	LINTON	TERMS OF REFERENCE: CS01

1.0 Recommendations

1.1 Members' instructions are requested.

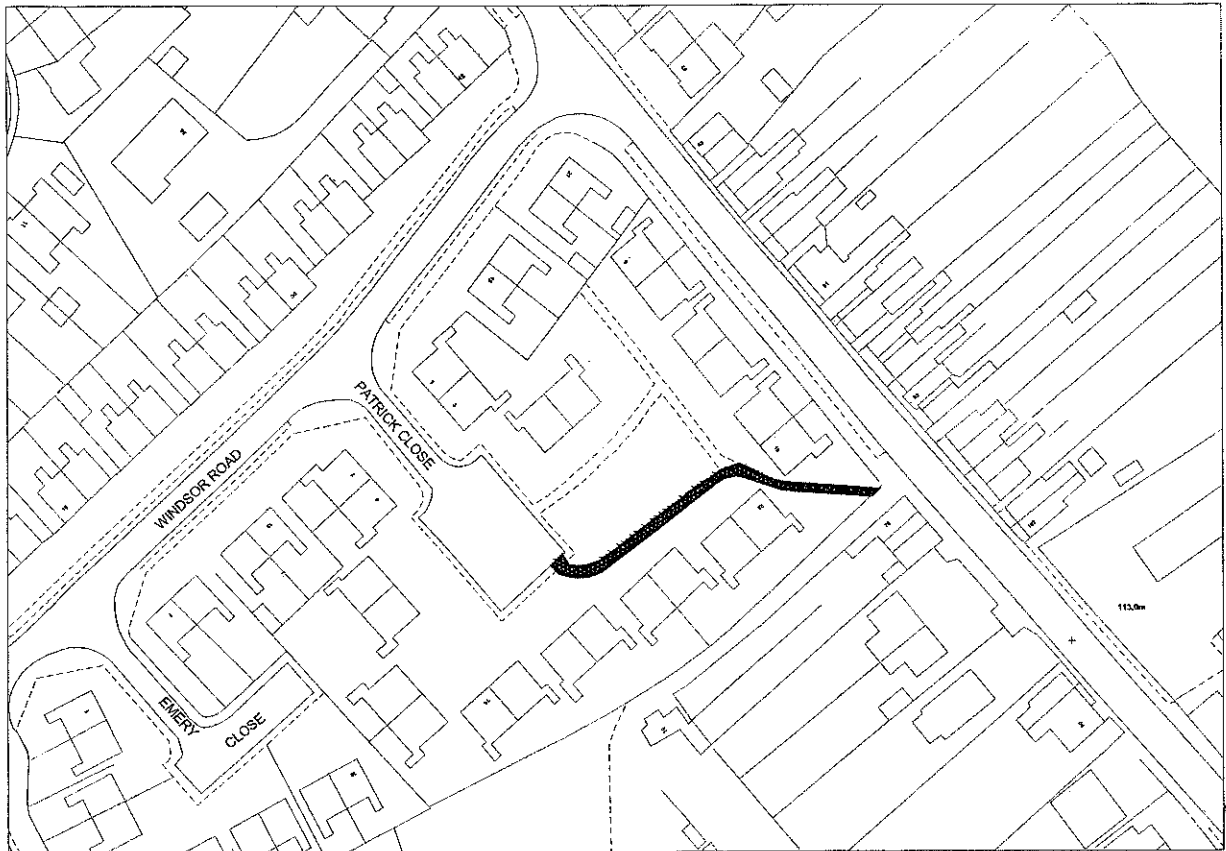
2.0 Purpose of Report

2.1 To consider a request to the County Council to make the footpath from Patrick Close to Main Street, Linton a Public Right of Way under the provisions of the Wildlife and Countryside Act 1981. The footpath is in the Committee's ownership.

3.0 Content

3.1 The County Council has received a request from a member of the public for this footpath to be included on the Definitive Footpath Map as a public right of way. The applicant has submitted evidence from seventeen people to the effect that they have been using the route as a public right of way, many in excess of 20 years. The County Council is considering this request and has asked for this Council's views as primary landowner. The County Council may, once investigations are completed, formally request this Council to dedicate the land over which the claimed route passes as a public footpath. Should this Council agree then the footpath could be added to the Definitive Map without invoking the provisions of the Wildlife and Countryside Act.

3.2 This part of Patrick Close was developed for elderly person accommodation some 50 years ago and it has to be assumed that the footpath link was established at that time. Patrick Close has also been used by parents to park vehicles to access the school on foot by way of this path. Following complaints from local residents in respect of its unauthorised use by cyclists and motorcyclists, and concerns expressed over access for emergency vehicles to the elderly accommodation during school terms Members considered the position some two years ago and resolved to close off the footpath permanently.



3.3 The Divisional Managers have been consulted on this request and the Housing Services Manager has referred to the above circumstances. Council tenants have not been consulted at this stage although they will have the right to formally object should the County Council resolve to take the matter forward.

4.0 Financial Implications

4.1 The County Council will be responsible for any costs.

5.0 Legal Implications

5.1 The Wildlife and Countryside Act 1981 provides that anyone may apply to the County Council if they believe that a way has been used by the public and should therefore be recorded on the Public Rights of Way map. The County Council would prefer to act with the landowner's consent and deal with the matter under Highway Legislation. Should this not be forthcoming then the prescriptive procedures allow for objections to be made for consideration before a decision is made.

6.0 Background Papers

February 2002 Letters from Derbyshire County Council