

Bolton Council

Report to: Executive Member Environmental Services

Date: 26th February 2008

Report of: Director of Environmental Services

Report No: EMES/152/08

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Report Title: Printers Lane – Creation of a Public Footpath

Non Confidential: This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose: To seek the agreement of Executive Member for Environmental Services to the creation of a Public Footpath along the route known as Printers Lane, by way of a Compulsory Creation Order pursuant to Section 26 of the Highways Act 1980.

Recommendations: Executive Member is recommended to approve the creation of a Public Footpath along the route known as Printers Lane by way of Compulsory Creation Order, pursuant to Section 26 of the Highways Act 1980.

Decision:

Background Doc(s):

Signed:

Leader / Executive Member

Monitoring Officer

Date:

Summary:

This report explains the importance to local people of the route known as Printers Lane. It explains how a previous claim to add the route to the Council's Definitive Map of Public Rights of Way previously failed and when reported to Planning and Highways Committee in October 2007, how public access could be re-instated in the future by way of Compulsory Creation Order. The report also details the results of consultation that have occurred since October 2007.

Background

1. Printers Lane is a private road located in the Bromley Cross area of Bolton. For many years the public have used it as a convenient walking route that connects the Bradshaw Hall estate on the eastern side of Bradshaw Brook with destinations such as Turton High School and Bromley Cross Station. For people wishing to travel the other way it is also a convenient point of access onto the Kingfisher Trail. Its location is shown on the attached plan 301026/1
2. In October of 2004, the gates which are located on the bridge leading over the river were locked by the owner of the Bradshaw Sheet Metal Works site, Mr. Graham Turner. Mr Turner had previously suffered from incidents of vandalism and anti social behaviour at his premises, largely in the form of broken windows, graffiti and underage drinking.
3. The locking of the gates prevented access across the bridge and up Printers Lane for a vast number of former users. The lack of access sparked the local community into making a claim to have Printers Lane added to the Council's Definitive Map of Public Rights of Way as a Public Footpath, by way of Modification Order, pursuant to Section 53 of the Wildlife and Countryside Act 1981. Unfortunately, despite the strong evidence of use from local people, the claim was not successful as the landowner provided detailed statements from a number of former employees, which showed chronologically that public access along Printer's Lane had been actively controlled by the site managers.
4. The above findings were reported to Planning and Highways Committee on the 4th October 2007 and the recommendation not to make a Modification Order was approved. The report also highlighted the fact that despite the findings of the claim, public access along Printers Lane was still an important issue, and re-establishing it would certainly appear to be in the public interest.
5. The report mentioned that as Highway Authority, the Council could promote a Compulsory Creation Order under Section 26 of the Highways Act 1980. In deciding whether to promote such an Order, the Highway Authority should pay regard to;
 - a) 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; and
 - b) the effect which the creation of the path or way would have on the rights of person with an interest in the land, account being taken of the provisions as to compensation contained in Section 28 of the Act.
6. At the meeting, Committee decided that as the issue was a local issue, it should be discussed locally, and reported back to Committee.

Current situation

7. The gate which was originally locked in 2004 remains locked. Apart from this the only other significant change to the route has been the erection of metal palisade fencing, to provide an outer compound for Portman Doors Ltd. This is detailed on the attached plan 301026/2. Although this encloses what would have been the vehicular part of Printers Lane at that point, it does not obstruct the footway which is still in place.

Considerations

8. Earlier in the New Year meetings were held with both Mr Turner, (who also owns the Portman Doors premises), and approximately twenty local residents to hear their respective concerns and interests.
9. Mr Turner advised that since the closure of the gate, incidents of vandalism had improved significantly. In part this is due to Mr Turner installing security cameras and erecting window shutters and a large gate preventing access to his premises. However, the re-opening of Printers Lane may inadvertently facilitate future acts of vandalism, and the Council should investigate how it could assist Mr Turner in making his premises more secure, should a Compulsory Creation Order be made.
10. At a separate meeting local residents advised that the closure of the gate was causing significant inconvenience for them. The main reasons cited were;
 - Lack of access to Turton High School for pupils
 - Lack of access to Bromley Cross Station for passengers
 - The closure of the path prevented people from walking to friends and family
 - The alternative route (Rigby Lane) involved a detour of more than a mile, and was an inferior alternative anyway due to the surface condition.
11. It should also be noted that some people are currently climbing over the gates (which have spikes on them), and climbing over the main Sewer pipe for the Bradshaw Hall Estate, which crosses Bradshaw Brook further downstream.
12. Following the meetings mentioned above, the issue was discussed at the South Turton Forum on the 30th January. Over 200 people attended the Forum, the vast majority of whom wanted to discuss Printers Lane. The above points were again raised during the discussion and the local Ward Members collectively agreed that it would be in the local interest to pursue the making of an Order pursuant to Section 26 of the Highways Act 1980.
13. The issue of re-establishing public access is contained in the Council's Public Rights of Way Improvement Plan.

Financial Considerations

14. In considering whether or not it is appropriate to make a Compulsory Creation Order, Executive Member should be aware that;
 - Printers Lane is currently an unadopted private road, but would, (as a Public Footpath), become a highway maintainable at the public expense.
 - The administrative costs of promoting such an Order are approximately £1,200.
 - Some minor clearance work, along with the signposting of the footpath is expected to cost approximately £300.
 - Pursuant to Section 28 of the Highways Act 1980, the landowner is entitled to claim compensation for any loss in the value of his land which is attributable to the making of the Order. Additionally, the landowner is entitled to claim for any expense footpath. It is not known what the likely future costs in relation to criminal damage might be.

Recommendation

15. Executive Member is recommended to approve the creation of a Public Footpath along the footways of Printers Lane, from its junction with Turton Road, to the Kingfisher Trail on the eastern side of Bradshaw Brook.

HE/HEDeI/DW/DLT
15th February 2008