



Order Decision

Site visit made on 22 March 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 27 April 2021

Order Ref: ROW/3245196

- This Order is made under Section 26 of the Highways Act 1980 (the 1980 Act) and is known as the Metropolitan Borough Council of Stockport (Ladybrook Valley) Public Path Creation and Definitive Map and Statement Modification Order 2019.
- The Order is dated 19 September 2019 and proposes to create a public right of way as shown on the Order plan and described in the Order Schedule. If confirmed the Order will also modify the definitive map and statement for the area, in accordance with Section 53(3)(a)(iii) of the Wildlife and Countryside Act 1981, once the provisions relating to the creation come into force.
- There was one objection outstanding when The Metropolitan Borough of Stockport (the Council) submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The order is confirmed

Procedural Matters

1. None of the parties requested an inquiry or hearing into the Order. I have therefore considered this case on the basis of the written representations forwarded to me.

Main Issues

2. The main issues in relation to this Order, having regard to Section 26 of the Highways Act 1980 are:
 - (a) whether there is a need for the bridleway along the route indicated in the plan attached to the Order; and
 - (b) whether it is expedient to create the bridleway having regard to:
 - (i) the extent to which it would add to the convenience or enjoyment of a substantial section of the public or the convenience of local residents; and
 - (ii) the effect the creation of the bridleway would have on the rights of persons with an interest in the land, taking into account the provision that exists for compensation¹ to be awarded to the landowner.
3. Further, in determining this Order I am required to have regard to any material provisions in any rights of way improvement plan (ROWIP) for the area.

¹ Section 28 of the 1980 Act makes provision for compensation to a person who has suffered damage by being disturbed in the enjoyment of their land, in consequence of the coming into operation of a public path creation order.

Reasons

4. The proposed bridleway runs from point A where it joins adopted highway at Bramhall Park Road to point I where it joins adopted highway at Ladybridge Road. The section A-D would follow the existing route of footpath FP50 and section G-H-I and G-Y would follow the line of definitive public footpath PF75. From point D-G, the route would follow an existing worn path which has been used over a substantial period but currently does not carry public rights. To link with adopted highway at Blenheim Road, an additional section of bridleway would be created between points G-J. Originally the order was to extinguish a section of PF75 Cheadle and Gatley marked X-Y on the plan. The objection to this has been withdrawn and this matter is not included in the order before me.
5. The proposed route is attractive and runs along the stream bankside through a varied landscape of woodland and open fields. On the day of my visit the footpath was well-used with pedestrians entering via both Ladybridge Road and Bramhall Park Road as well as those joining the route from the wider rights of way network.
6. The current route has steep steps at its access on Bramhall Park Road, several squeeze gates along its length, is narrow in places and has areas of very poor drainage and poor surface quality. Improvement of this route would therefore not only accommodate different types of user including, for example, those with restricted mobility or with pushchairs, but improve conditions for existing walkers.
7. In accordance with the ROWIP, the bridleway would link to the wider non-motorised network including local recreational routes/sites and national routes such as the Trans-Pennine Trail. It would promote well-being by encouraging recreation and sustainable transport use and link communities, facilities, and public transport. Specifically, it would link various areas of housing at Bramhall, Bramhall Park and Cheadle and local facilities such as Cheadle Hulme district centre. As it would be off-road, it would provide a route for less experienced equestrians and cyclists.
8. Representations in support of the scheme have been received from five individuals. They cite current problems with poor drainage and lack of accessibility for cycles or those with mobility restrictions. There is also support for improvement of the route as a link to the local and wider area's recreational opportunities.
9. Other than section C-D which is owned by the Council, the bridleway would be on privately owned land. The landowner's objection raises various concerns. These relate to the potential for damage to the structure of the land through increased use; potential conflict between different user types; a negative effect upon an area of natural beauty due to the inclusion of a man-made route and fencing; unauthorised motor use; safety of the landowner's own horses which graze on land adjacent to the route and a general objection to the cost. I will discuss these points individually.
10. Bridleways are, by their nature, routes shared by different user types. The width of the route would vary between 3 metres at its narrowest to 5 metres at the widest point. The narrowest section is G-H which is constrained by the viaduct and adjacent bankside. However, this is a relatively short section of the route and would still be in accordance with recommended bridleway width.

11. The improved access created by this route would encourage a greater range of users. Although this could be associated with an increased maintenance requirement, the surface would be improved, and the route placed on a cleaning schedule. Maintenance would therefore be by the Council and not the landowner.
12. As horses currently graze the area freely, the Council has specified self-closing gates and fencing to prevent trespass by users on to private land. This would make the route a more formal feature within the landscape. The Council has offered to remove the fencing from the specification to mitigate its visual intrusion and negotiate gate design. However, this must be balanced against the desired security to adjacent land and the horses grazing therein. Should the bridleway be confirmed, this matter could be resolved between the parties.
13. I understand the landowner's concern regarding the potential for use of the route by unauthorised vehicles, in particular quad and trail bikes. However, there already is access across the land and new access controls would be present. Furthermore, under Section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on any footpath, bridleway or restricted byway commits an offence. Such matters could therefore be reported to the police.
14. Ring-fenced funding for the scheme has been secured and would deliver wider environmental benefits in addition to those recreational benefits discussed above.
15. There is an existing and latent need for this bridleway and it would add to the convenience and enjoyment of a substantial section of the public including local residents. This need outweighs any impact the bridleway would have on the owner of the land and any negative impacts the bridleway would have can be addressed by way of compensation. Creation of the bridleway is therefore expedient.

Conclusion

16. Having regard to the matters raised in the written representations I conclude that the Order should be confirmed.

Formal Decision

17. I confirm the order.

E Symmons

INSPECTOR



