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| **Order Decision** |
| Hearing held on 15 May 2024 |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 5 June 2024** |

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| **Order Ref: ROW/3307889** |
| * This Order is made under section 26 of the Highways Act 1980 and is known as The Council of the Borough of Stockton-on-Tees Creation of Public Footpath Number 31A (Stockton) Public Footpath Creation Order 2021. |
| * The Order is dated 28 September 2021 and proposes to create a public footpath shown on the Order plan and described in the Order Schedule. |
| * There were six objections outstanding at the commencement of the hearing. |
| **Summary of Decision: The Order is confirmed.** |
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Procedural Matters

1. I undertook an unaccompanied site visit on 14 May 2024 where I looked at the Order route, the connecting footpath, and the surrounding area. It was agreed by the parties at the hearing that a further accompanied visit was not necessary.
2. I have referred to points shown on the Order plan within my decision. For ease of reference, I have appended a copy of the Order plan to the end of my decision.

The Main Issues

1. Under section 26 of the Highways Act 1980, if I am to confirm the Order, I need to be satisfied there is a need for the footpath and that it is expedient that it should be created having regard to:
2. the extent to which the paths would add to the convenience or enjoyment of a substantial section of the public, or the convenience of persons resident in the area; and
3. the effect which the creation of the paths would have on the rights of the persons with an interest in the land, account being taken of the provisions for compensation.
4. I also need to have regard to any material provision of any rights of way improvement plan (ROWIP) prepared by any local highway authority whose area includes land over which the Order relates.

Reasons

1. The proposed footpath runs between Norton High Street and Footpath 31, Stockton. The wood and path from the High Street are owned by Stockton-on-Tees Council (the Council). The land was originally a tram depot before becoming a Council depot with allotments to the rear in the 1930s. The land fronting the High Street was sold and developed into a care home but access along section A to B of the proposed footpath and the land to the rear were retained by the Council. The allotments were abandoned in 1990 and the woodland grew up.
2. In 2019 a planning application was submitted to develop the land. It received strong local objection and was withdrawn after being shown to be unsustainable. A community group, Save the Last Norton Wood was formed, and the Council agreed to retain the land as a woodland. The wood was renamed and in 2020 the Friends of Harbron Community Wood was set up with a committee to manage it.

*The need for the proposed footpath*

1. A Definitive Map Modification Order application (the application) was made for the proposed footpath in September 2019 which was supported by user evidence. The user evidence forms show use between 1950 and 2019. Most people used it at least weekly. This indicates a desire to have the proposed footpath recorded for public use.
2. The proposed footpath provides access to Harbron Wood from the west. Access is also available from Stockton Footpath 31 to the east. The Tees Valley Wildlife Trust highlighted the public need for access to green space for physical and mental well-being. The campaign to keep Harbron Wood available for public enjoyment and community management indicates it is valued locally as a green space.
3. Some parties considered access to Harbron Wood from the west is not needed because other places within Norton provide sufficient green space for the public to use and enjoy. Other parties considered there could not be an over-provision of green space.
4. I consider the application, user evidence, community involvement in Harbron Wood, and the lack of a legally recorded access from the west indicates a need for the proposed footpath.

*The extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or the convenience of persons resident in the area*

1. The user evidence forms show the proposed footpath is predominantly used for dog walking and as a shortcut to the High Street for access to the shops and services such as the library, bank, doctors, schools, bus stops, and post office.
2. It is claimed that locked gates existed across the proposed footpath before 1990 but the user evidence indicates public use since the 1950s. Some path users did refer to gates which were always open or unlocked and one person stated they were removed in the early 1980s.
3. I took three minutes to walk between point A and the northern end of Footpath 31 and four minutes to walk from point A to the southern end of Footpath 31 using the proposed footpath. Using the alternative road routes to walk between the same points took eight minutes and eleven minutes respectively. Therefore, the proposed footpath provides a shorter route to the High Street. Furthermore, the road route from the southern end of Footpath 31 is alongside a busy main road. I consider that some people are likely to find the traffic-free alternative more enjoyable.
4. The Tees Valley Wildlife Trust referred to the Government target for everyone to live within a 15-minute walk of green or blue space. They explained that although Harbron Wood is within a 15-minute walk of many parts of Norton, access via Footpath 31 is inconvenient for residents living to the west. For some people with small children or motor disabilities, the alternative routes are too far.
5. CCTV footage was used to produce a census of daily usage between 25 March and 31 March 2024. This indicated use by 15 to 37 people each day. The objectors considered this to be a small percentage of the residents of Norton and not a substantial section of the public. However, the census does show daily use of the proposed footpath.
6. I must consider if the proposed footpath would benefit a substantial section of the public or persons resident in the area. Based on the user evidence, longer alternative routes, and use of the proposed footpath, I consider it would add to the convenience of people residing in the area.

*The effect which the creation of the footpath would have on the rights of persons interested in the land, taking account of the provisions as to compensation*

1. The Council own the land and has allowed use of the proposed footpath since the allotments closed and they will continue to allow use. The Friends of Harbron Wood occupy the land and applied for the footpath to be recorded.
2. Persons interested in the land are those who own, occupy, or lease the land. The Council and the Friends of Harbron Wood are the only owners, occupiers, or tenants of the land and they support the confirmation of the Order. Therefore, I consider the rights of persons with an interest in the land are not adversely affected by the proposed footpath.

*Other Considerations*

1. Residents living alongside the proposed footpath referred to an increase in crime, anti-social behaviour (ASB), and damage to their properties over the last seven years since Harbron Wood was made known to the wider public. This has had a negative impact on their enjoyment of their homes, health and well-being, disturbed them, and at times made them feel unsafe in their homes. CCTV footage showed that some of the offenders used the proposed footpath as an escape route or accessed their property from Harbron Wood.
2. There were concerns that recording and signing the footpath would lead to a wider knowledge of the wood and increase crime and ASB. An alternative view was expressed that increased legitimate public use would reduce crime and ASB due to increased surveillance.
3. If the Order were not confirmed, the proposed footpath would still physically exist, and the Council would allow public access to continue. The adjoining residents did not want to prevent legitimate public access to the wood. However, they did not want public footpath signs to be erected as they would make more people aware of the wood. The Council explained they were required to signpost public rights of way. The Friends of Harbron Wood stated they would remove their social media accounts to reduce wider knowledge of it to those who may engage in criminal activities or ASB.
4. The responsibility for crime and ASB lies with the police and other parties. The Council suggested the residents contacted their Community Safety team for advice and guidance on reducing crime and ASB and its impact.
5. Access to Harbron Wood would still be available from Footpath 31 even if it were not available from the High Street. Therefore, I consider the confirmation of the Order and signposting of the proposed footpath is unlikely to affect the levels of crime and ASB in the area.

*Conclusions on whether it is expedient to confirm the creation order*

1. I consider the proposed footpath is needed for public use and would add to the convenience and enjoyment of persons resident in the area. There are no adverse effects on the landowner or occupiers of the land. The confirmation of the Order is unlikely to affect existing levels of crime or ASB. Having regard to these and all other matters, I consider it is expedient to confirm the Order.

**Rights of Way Improvement Plan**

1. One of the ROWIP’s vision statement aims is to improve access to green spaces by creating links to them from urban areas. Objectives of the ROWIP include intentions to improve and extend the network for walkers and to improve connectivity to green spaces. I consider the proposed footpath would help meet these aims and objectives.

**Other Matters**

1. The Order states it will come into effect on the date of confirmation. It does not refer to any works required to bring the footpath into a fit condition for public use or street lighting. The Council confirmed no works are required or planned, and any future work could only be undertaken by them or with their consent. They reassured the adjoining property owners they are experienced in undertaking works on public paths. Potential future works or provision of lighting are not something I can take into consideration when determining the Order. I am unable to modify the Order to include a condition that the footpath must remain unlit. Previous and proposed works in the wood are also not matters that I can take into consideration when determining the Order.

Overall Conclusion

1. Having regard to these and all other matters raised at the hearing and in the written representations I conclude that the Order should be confirmed.

Formal Decision

1. I confirm the Order.

Claire Tregembo

INSPECTOR

**APPEARANCES**

**For the Council**

Julie Butcher Head of Legal Services

Jess Brown Legal Officer

Evan Hart Public Rights of Way Officer

**In Support of the Order:**

Tom Richardson Tees Valley Wildlife Trust

Linda Ward Friends of Harbron Community Wood

Rosemary Bailey Friends of Harbron Community Wood

**In Objection to the Order:**

Sandra Stead Resident

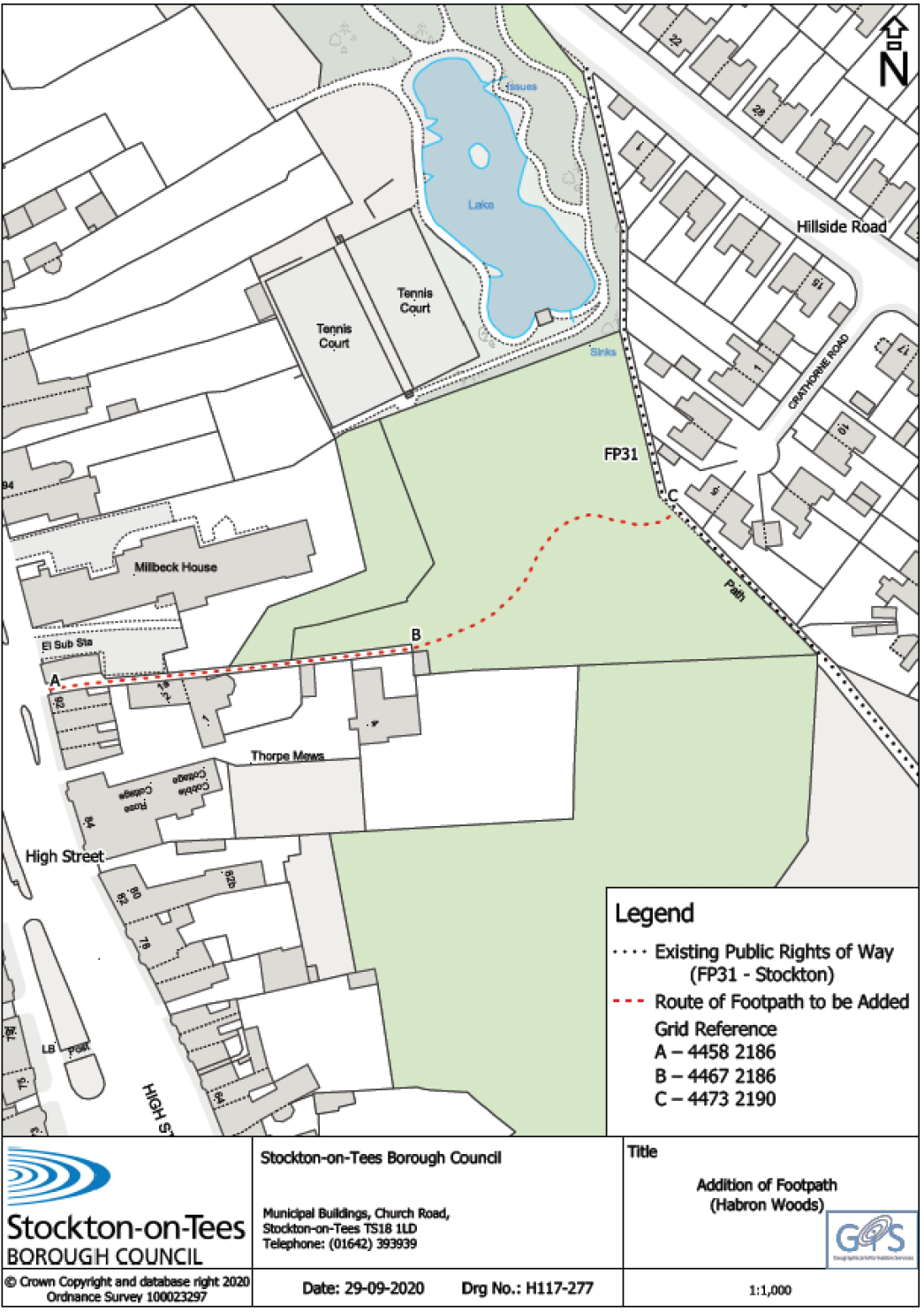
Robert Stead Resident

Joan Stead Resident

Clare Pugh Resident

Karon Rogers Resident

**Order Plan**

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