

EXTINGUISHMENT OF A SECTION OF PUBLIC FOOTPATH 16 HAZEL GROVE AND BRAMHALL UNDER SECTION 118 OF THE HIGHWAYS ACT 1980 AND UPGRADE OF A SECTION OF PUBLIC FOOTPATH 16 HAZEL GROVE TO BRIDLEWAY STATUS AND CREATION OF TWO FURTHER SECTIONS OF BRIDLEWAY UNDER SECTION 26 OF THE HIGHWAYS ACT 1980

1.0 **MATTER FOR CONSIDERATION**

- 1.1 Committee is requested to revoke its decision made on 7 April to authorise the diversion of footpath 16 Hazel Grove and Bramhall and to consider whether to authorise the extinguishment of part of Public Footpath 16 Hazel Grove and Bramhall and upgrade a section of it to bridleway status with the creation of two further bridleways.

2.0 **LEGAL POSITION**

- 2.1 Section 118 gives the Council the power to make an orders extinguishing the existing footpath on the ground that it is not needed for public use.
- 2.2 Section 26 Highways Act 1980 gives the Council the power to create a footpath or bridleway if it is satisfied that it is expedient to create the way taking into consideration 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 the effect it would have on the rights of persons interested in the land, including the effects of the order on the enjoyment of land.
- 2.3 Before confirming -an extinguishment order or creation order, the Council's (or Secretary of State's) considerations include any material provision of a rights of way improvement plan prepared by the Council whose area includes land over which the order would extinguish or create a public right of way.

3.0 **BACKGROUND**

- 3.1 On 7 April 2022 the Bramhall and Cheadle Hulme South Area Committee resolved that approval be given to the making of an Order under section 119 of the Highways Act 1980, diverting part of Public Footpath 16 Hazel Grove and Bramhall and upgrade to bridleway status with the addition of a section of unadopted path leading from Meadway Bramhall. However on review, this matter needs to be reconsidered in the next Bramhall and Cheadle Hulme South Area Committee and the Council is seeking the power to make a creation and extinguishment order in lieu of a diversion order.
- 3.2 It can be seen from the plan at Appendix A that the current route of footpath 16 follows the line from the northern edge of the plan to B-C-E-F (south easterly direction for approximately 23 metres (B-C) on a crushed stone surface. then north easterly for approximately 60 metres (C-E) before turning south easterly through the yard area of Ashmead Farm and then continues along

their former access road for approximately 115 metres (E-F) on a natural surface until it meets the north side of the A6 Manchester Airport Relief Road (A6 MARR) spur which provides the main vehicular access route for the oil terminal).

- 3.3 The section of path C-E will remain as footpath 16, meeting footpath 19 Hazel Grove and Bramhall at point E.
- 3.4 It is therefore appropriate that the proposals be dealt with by way of concurrent extinguishment and creation orders and the wording of the orders will be co-ordinated to ensure that they are dependent upon each other and the end result is not that there are two paths or no paths.

4.0 **DESCRIPTION OF THE ROUTE**

- 4.1 The route to be extinguished, shown as a solid black line on the attached plan (Appendix 1), starts at point E and runs in a south easterly direction through the yard area and access road of Ashmead Farm until it meets the north side of the A6 Manchester Airport Relief Road (A6 MARR) spur which provides the main vehicular access route for the oil terminal at Point F. The route is a natural grassed surface and has no defined width.
- 4.2 The section of existing unadopted land to be created as a bridleway currently passes easterly between 115 and 117 Meadway Bramhall for approximately 38 metres (A-B) where it meets footpath 16 at point B. It has a bitumous macadam surface. The section of footpath 16 to be upgraded to bridleway travels from point B in a south easterly direction for approximately 23 metres (B-C) on a crushed stone surface. The creation of a further bridleway then continues from point C and crosses fields in a south easterly direction for 135 metres on a crushed stone surface and with a width of 3 metres adjacent to the A6 MARR (C-D).
- 4.3 The proposed creation and upgrade to bridleway route shown as a bold dashed line with cross hatches on the attached plan (Appendix A) starts at Point A, passing between the houses of 115 and 117 Meadway Bramhall with a maximum width of 1.8 metres before turning south east at Point B (A-B being a newly-created bridleway) where the path has a width of 2.2 metres, continuing to Point C (B-C being the section of footpath 16 to be upgraded to bridleway) and then continuing across fields on a crushed stone surface of 3 metres width to Point D where it meets the shared usage path adjacent to the A6 MARR (C-D being another newly-created bridleway).
- 4.4 It is proposed to create/upgrade the route (A-B-C-D) to bridleway status.
- 4.5 It is important to note that the existing path which runs in a north easterly direction (C-E-G) will continue to exist as a route comprised of sections of public footpaths 16 and 19 HGB.
- 4.6 It is understood that the unadopted section of path between 115 and 117 Meadway is already used as a footpath linking Meadway to the existing Public Footpath 16 Hazel Grove and Bramhall although it isn't currently recorded as a public highway on the Definitive Map and Statement for Stockport.

5.0 LAND OWNERSHIP AND CONSULTATIONS

- 5.1 The owner of the land over which the existing diversion route (E-F) and proposed upgraded route (C-D) has indicated that they have no objection to the proposed diversion and upgrade.
- 5.2 Letters of consultation were sent to residents of Meadway Bramhall regarding the proposal to upgrade the route (A-B-C) and no objections to the proposal were received.

6.0 SUMMARY

- 6.1 It is considered that the ground for extinguishment of that part of Public Footpath 16 Hazel Grove and Bramhall as shown marked E-F on the plan attached at Appendix A is satisfied in that that section of the path is unnecessary for public use as the public will have access from footpath 19 and point D to the parallel path created along the line C-D.
- 6.2 It is considered that the creation of a bridleway A-B-C-D is necessary to provide an excellent link to and from the shared usage path along the A6 MARR for the benefit of all users, pedestrians, equestrians and cyclists. Whilst not a requirement of a creation order, it is considered also to be in the interests of the landowner allowing them to utilise their access road and yard effectively.

7.0 CONCLUSION

- 7.1 It is concluded that the legal grounds exist to justify exercising the power to make the Order to extinguish the existing route, create and upgrade the route as described.

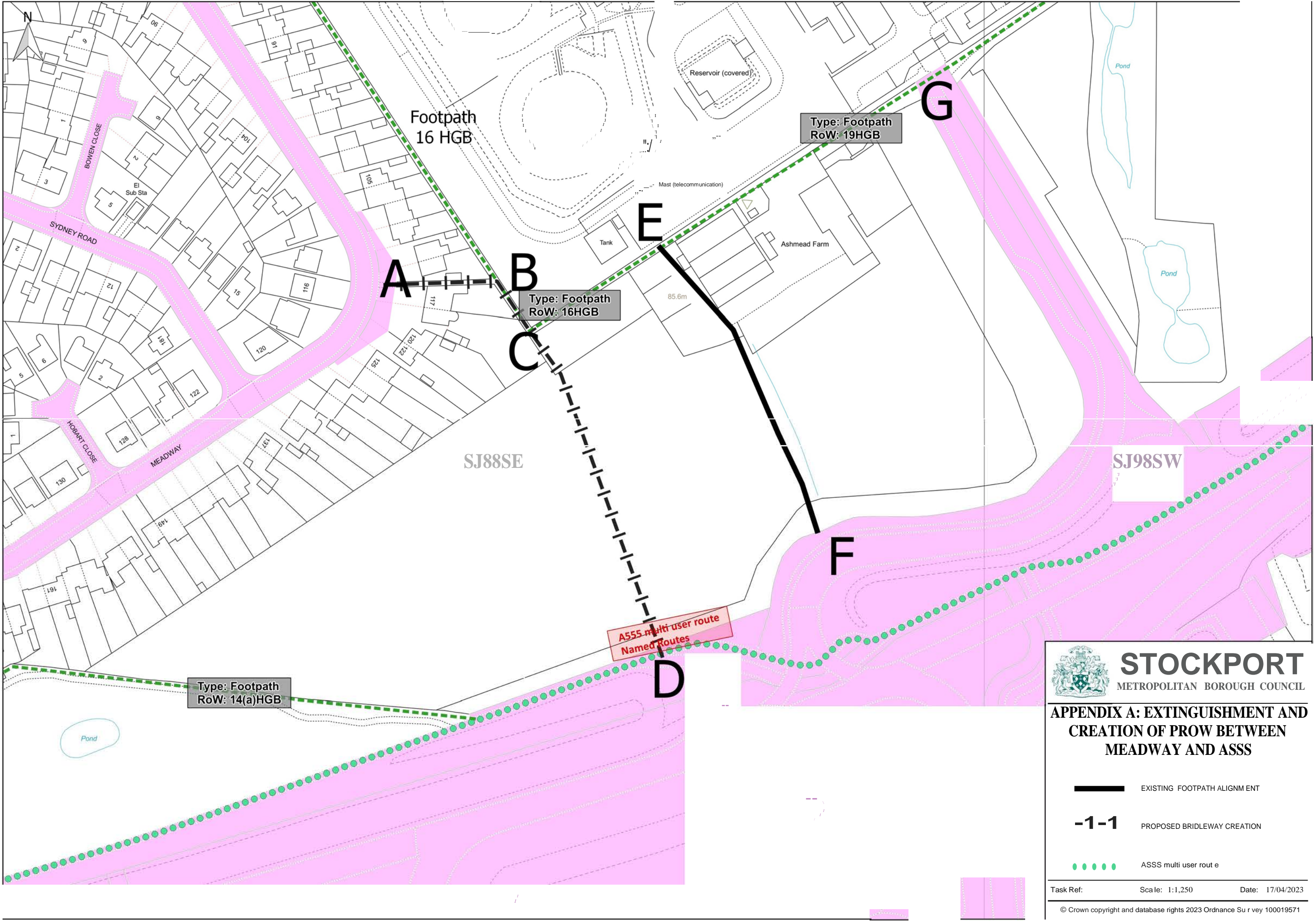
8.0 RECOMMENDATIONS

- 8.1 That the Committee resolves to:-
- 8.2 Revoke the resolution passed at its Area Committee meeting on 7 April as follows:-
- 8.3 “That approval be given to the making of an Order under section 119 of the Highways Act 1980, diverting part of Public Footpath 16 Hazel Grove and Bramhall and upgrade to bridleway status with the addition of a section of unadopted path leading from Meadway Bramhall.”
- 8.4 Authorise the making of an Order under section 26 of the Highways Act 1980, creating a new public bridleway along that path from Meadway to footpath 16 and marked A-B on the plan attached at Appendix A, and upgrading that part of Public Footpath 16 Hazel Grove and Bramhall




marked B-C on the plan attached at Appendix A to Bridleway status and creating a further bridleway from point C-D on the plan attached at Appendix A.

- 8.5 Authorise the making of an order under section 118 of the Highways Act 1980, extinguishing that part of Public Footpath 16 Hazel Grove and Bramhall marked E-F on the plan attached at Appendix A..

Appendix 1



**APPENDIX A: EXTINGUISHMENT AND
CREATION OF PROW BETWEEN
MEADWAY AND ASSS**

-  EXISTING FOOTPATH ALIGNMENT
-  PROPOSED BRIDLEWAY CREATION
-  ASSS multi user route