



Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL

9 December 2019

MAIDENS HALL NORTH FORMER OPENCAST SITE - PROPOSAL TO MAKE A PUBLIC PATH CREATION ORDER

PROPOSAL TO MAKE A PUBLIC PATH CREATION ORDER ON LAND COMPRISING
THE FORMER MAIDENS HALL NORTH OPENCAST SITE TO CREATE PUBLIC
BRIDLEWAYS AND A PUBLIC FOOTPATH

Report of the Executive Director of Place

Cabinet Member for Environment and Local Services: Councillor Glen Sanderson

Purpose of report

To inform the Local Area Council (LAC) of a proposal to create over 3.5 miles of public bridleways and a public footpath on land which comprises the former Maidens Hall north opencast site and to recommend that the LAC agrees to the Council making a Public Path Creation Order to legally create the public paths.

Recommendations

That the Local Area Council supports the proposal to create over 3.5 miles of public bridleways and a public footpath over land that comprised the former Maidens Hall north opencast site and agrees that the Council should make a Public Path Creation Order to legally create the public paths.

Link to Corporate Plan

This report is relevant to the following priorities included in the NCC Corporate Plan 2018-2021:

- How - "We want to be efficient, open and work for everyone"

- Living - “We want you to feel safe, healthy and cared for”
- Enjoying - “We want you to love where you live”
- Connecting - “We want you to have access to the things you need”

1. KEY ISSUES

- 1.1. The restoration plan for the Maidens Hall Opencast site included provision for the creation of public access once the site restoration was complete.
- 1.2. The site restoration is largely complete and the physical works for the public access has been satisfactorily completed by the opencast operator. The proposal to make the Creation Order will complete the process to legally record the public access.
- 1.3. The outcome will be enhanced provision of public access in East and West Chevington, particularly for horse riders and cyclists, in accordance with the Council’s Rights of Way Improvement Plan. It also satisfies an aspiration that the local communities should finally benefit from the long years of living with opencast operations in their local communities by enjoying access to land which has been improved for both agricultural and nature conservation purposes.

2. BACKGROUND

- 2.1. Coal extraction at the Maidens Hall north site took place between 1996 and 2008, after which the site has been progressively restored in accordance with the restoration plan for the site. This plan is still in progress but largely complete and is creating a mosaic of productive agricultural land together with a variety of habitats including water courses, species rich grassland and woodlands which will support a variety of new wildlife.
- 2.2. The restoration plan also included the creation of new public access which comprises a public footpath which winds its way to the top of a landscaped viewing mound and over 3.5 miles of public bridleways which provide public access around the site.
- 2.3. The bridleways and footpath have been constructed and created on alignments in accordance with the restoration plan and the Council is satisfied that they are fit for public use. The outstanding issue to complete with regard to the public access is to legally create the public bridleways

and public footpath in order that they can be added to the Council's Definitive Map of Public Rights of Way and subsequently the Ordnance Surveys maps. Once this is achieved the Council will sign and, where appropriate, waymark the public rights of way.

- 2.4. Normally the public paths would be created by the Council entering into a section 25 agreement with the landowner (Highways Act 1980). However, some parts of the site over which the public rights of way cross are proposed for sale by the current landowner, with one small area sold. Securing a creation agreement where there is uncertainty at a specific point in time can be problematic and lead to delays. It is therefore proposed that the public access is created by the Council making a Public Path Creation Order in accordance with section 26 of the Highways Act 1980. The landowner(s) have been informed of this intention and have not raised any concerns.
- 2.5. A problem that could arise is that anyone can object to a Public Path Creation Order and delay the confirmation of the paths. Officers believe that this event is highly unlikely to occur as the public paths have been created to a good standard and the landowners and occupiers (groups who may normally object to a Creation Order) are supportive of the public path creation. In the unlikely event of an objection the Council could default to a creation agreement with the landowner(s) which is not subject to a process of statutory consultation and objection.
- 2.6. Responsibility for the future maintenance of the public rights of way will rest with the Council, as the Highway Authority. However, the paths have been constructed to a good standard and are expected to be highly durable for the long term. Any maintenance that would be required is expected to be very infrequent and small scale and will be accomplished within existing budgets.

3. CONCLUSIONS

- 3.1. The provision of the public rights of way represents a long standing commitment by the owners and operators of the former opencast site. The paths will significantly improve the provision of public access to land in the East and West Chevington area, particularly for horseriders and cyclists. The Local Area Council is therefore recommended to approve the proposal that the Council should make a public path creation order to create the routes.

Background papers:

None

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