

REPORT TO ENVIRONMENT AND TRANSPORT COMMITTEE

LADIES MILE FOOTPATH IMPROVEMENT

Report Reference E-23-03
Meeting Date 24th July 2023
Agenda Item 9
Prepared by Planning and Facilities Officer



1.0 BACKGROUND

A section of the footpath along the west side of Ladies Mile needs improving for pedestrians using the path. The paved footpath, which runs north along Ladies Mile, currently terminates at the end of the row of houses which is approximately three quarters of the length of Ladies Mile. This path was identified for improvement in the Neighbourhood Plan.

In 2020, the Planning and Facilities began investigating the possibility of developing the unsurfaced route between the end of the current path on Ladies Mile and the path along Tabley Road. The section is approximately 130 meters in length. The pathway in this section is predominantly made up of soil and has some areas that include bits of stone flags. This 130m section has several trees which range from sapling to mature in age. The area is used frequently by pedestrians taking children to school and to access facilities within the town centre. During the wetter months the path section can become impassable forcing pedestrians onto the road. The project has been on hold until sufficient CIL funding was available.

The Planning and Facilities Officer has sought the necessary permissions from the landowner who is supportive.

2.0 PROPOSED WORKS

The current pathway intersects the root protection zones of trees along the rout. This limits what can be done due to possible damage to the trees and the consequence of the root systems failing, leading to potential dangers to the highway.

Options could include a raised areas of path, which would be a case of running boards either side of the proposed path area which needs raising above root zones. Thus, using the boarded sides as the trench for the sub base, this requires little or no excavation. Then adding topsoil, which can be seeded, up to the edge of the treated timber boards.

The path can have a gradient at either end so that it connects with the existing Ladies mile path and the path along Tabley road. It may be necessary to re-route the Tabley road end of the path to accommodate the gradient or avoid the mature tree at that end all together.

The proposed path would be 1.5m wide and comprise 100mm MOT capped with 50mm limestone dust; this is a self-binding gravel which creates a permeable surface which can be maintained easily by the Town Council. The cost of this would be £9,575.

3.0 SECTION 38 CONSENT

The land over which the path passes is part of the registered common land of the Heath. The Commons Act 2006 places restrictions on works to common land without consent through the Planning Inspectorate. Under s38(3)b “works for the resurfacing of land” are restricted works. s38(4) defines resurfacing as “the laying of concrete, tarmacadam, coated roadstone or similar material on the land (but not if they consist only of the repair of an existing surface of the land made of such material”.

Commons Guidance Note 4 states:

Consent is not needed for the resurfacing of a common with loose material (e.g. gravel, shingle, crushed stone) so long as it does not impede or prevent public access or does not interfere with rights over the common, e.g. commoners’ rights to graze livestock.

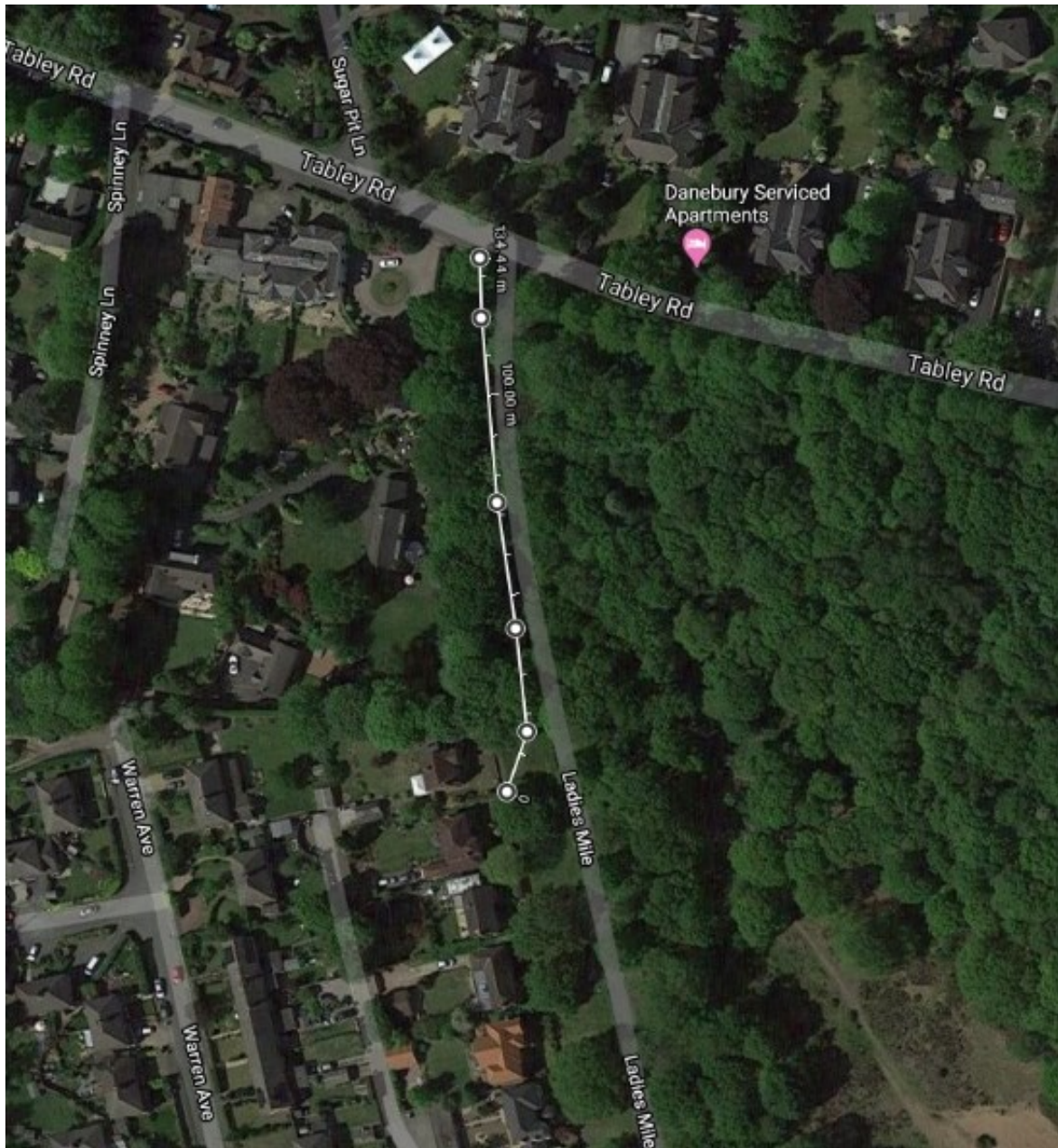
Based on the guidance available, the proposed surface (limestone dust) would mean a s38 consent is not required. However, alternative materials would require a s38 consent (e.g. tarmac) to be obtained.

4.0 DECISIONS REQUIRED

It is recommended the committee:

- a) Considers the approval of the project as outlined
- b) Refers the project to the CIL Projects Advisory Committee funding with CIL

ANNEX A MAP OF PATH



ANNEX B: EXISTING PHOTOGRAPHS

