

BARNSLEY METROPOLITAN BOROUGH COUNCIL

SECTION 25 HIGHWAYS ACT 1980

PUBLIC PATH CREATION AGREEMENT

THIS PUBLIC PATH AGREEMENT is made the ^{11th} 23rd day of March, two thousand and twenty one

BETWEEN:

BARNSLEY METROPOLITAN BOROUGH COUNCIL of Town Hall, Church Street, Barnsley, South Yorkshire, S70 2TA ('the Council') and



are together referred to as "the Owners") ("the First Owner and the Second Owner") ("the Second Owner") ("the First Owner and the Second Owner")

WHEREAS:

- (1) The First Owner is the registered proprietor with absolute freehold title of the land at Birdwell Barnsley South Yorkshire that is registered at the Land Registry under title number namely SYK631129 ("the First Owners Land").
- (2) The First Owners Land is crossed in part by an existing public right of way having the status of public footpath known as Worsbrough Footpath No 40 as shown by a black line between the points marked A and C on the plan annexed hereto ("the Plan"). The First Owners Land includes that section of land shown coloured red between points marked A – C on the Plan which is intended to be provided in order to widen Worsborough Footpath No 40 and upgrade the same to the status of public bridleway.

- (3) The First Owners Land includes that section of land shown coloured red between points C – D on the Plan which is intended to be provided as a new section of public right of way having the status of a bridleway
- (4) The Second Owner is the registered proprietor with absolute freehold of the land at Dearne Valley Parkway that is registered at the Land Registry under title numbers SYK635907 and SYK540835 (“the Second Owners Land”).
- (5) The Second Owners Land comprises that section of land shown coloured red between points D – E - G on the Plan which is intended to be provided as a new section of public right of way having the status of a bridleway
- (6) The Second Owners Land also comprises that section of land shown coloured blue between points E – F on the Plan which is intended to be provided as a new section of public right of way having the status of a footpath
- (7) The Owners have consented to enter in to this Public Path Creation Agreement with the Council in accordance with Section 25 of the Highways Act 1980.
- (8) The Owners by this agreement intend to formally dedicate the said additional public rights of way and upgrade the existing rights of way to the status of public bridleway between the points marked A, B, C, D, E and G on the Plan.
- (9) The Second Owner by this agreement also intends to formally dedicate a public footpath between the points marked E and F on the Plan.
- (10) The Council has had due regard to the needs of agriculture (including the breeding and keeping of horses) and forestry and the desirability of conserving flora, fauna and physiographical features.
- (11) The Council is the Highway Authority for the area in which the land is situated and has consented to the intended dedication.

NOW IT IS AGREED BETWEEN THE PARTIES HERETO as follows:

1. Subject to clause 9 below the First Owner hereby dedicates for use by the general public for the purpose of a public bridleway the land described in Part 1 of the Schedule hereto.
2. Subject to clause 9 below the Second Owner hereby dedicates for use by the general public for the purposes of a public bridleway the land described in Part 2 of the Schedule hereto
3. Subject to clause 9 below the Second Owner hereby dedicated for use by the general public for the purposes of a public footpath the land described in Part 2 of the Schedule hereto
4. It is hereby agreed between the parties hereto that no compensation of whatever nature shall be payable by the Owners or the Council as a consequence of this Agreement.
5. Financial provision for the construction of the bridleway by the Council is contained in a Section 106 Agreement dated [] 2021.
6. The dedicated bridleway and footpath will be maintainable at public expense by the Council as the Highway Authority.
7. The Owners shall not cause or permit any activities uses or works on their adjacent lands which may interfere with or endanger use of the bridleway or footpath by authorised users.
8. The First Owner dedicates the public right of way subject to the reservation of the right to install and maintain at their own expense a suitable access control in the position marked A on the Plan.
9. The dedication provided for herein shall take effect once the Council has

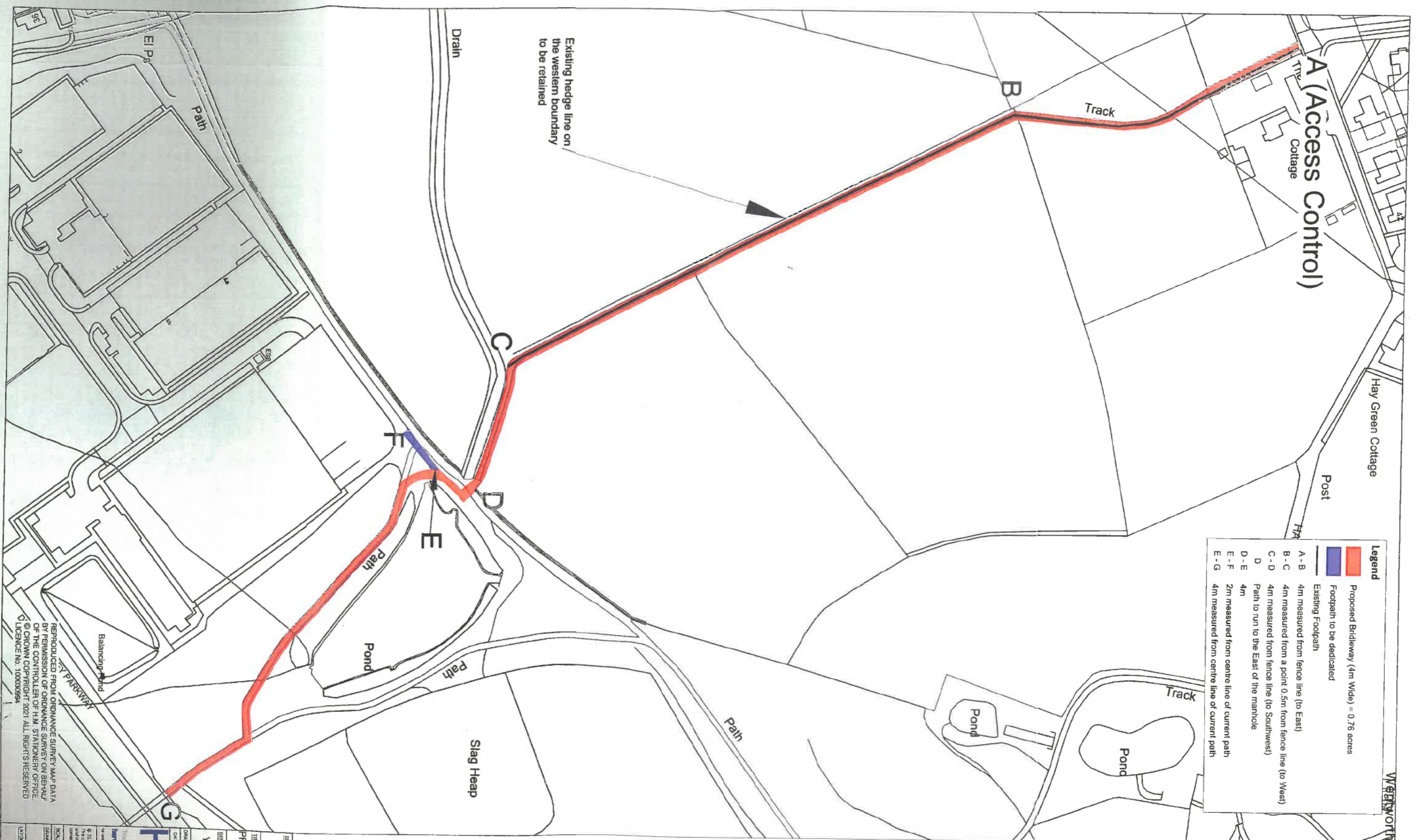


Mr. Williams
pe

22/22

Legend	
	Proposed Bridleway (4m Wide) = 0.76 acres
	Footpath to be dedicated
	Existing Footpath
A-B	4m measured from fence line (to East)
B-C	4m measured from a point 0.5m from fence line (to West)
C-D	4m measured from fence line (to Southwest)
D	Path to run to the East of the manhole
D-E	4m
E-F	2m measured from centre line of current path
E-G	4m measured from centre line of current path

Existing hedge line on the western boundary to be retained



SITE NAME: BIRDWELL (ROCKINGHAM)			
TITLE: PROPOSED BRIDLEWAY PLAN			
DIRT: YORKSHIRE AND CENTRAL			
DESIGN	DATE	DATE	DATE
JD	11/11/2021	CMG	11/11/2021
SCALE: 1:1250	DATE: 11/11/2021	DATE: 11/11/2021	DATE: 11/11/2021
DRAWN BY: 005/BWL/YAC/A2		CHECKED BY: A2	
LAYOUT: LAYOUT 1		SCALE: 1:1250	

Harworth

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confirmed that the routes described herein have been fully set out and constructed to the satisfaction of the Council whereupon the Council will confirm that in writing with each of the Owners.

SCHEDULE

Description of Right of Way

Part 1

- i) the land as shown with a solid red line on the Plan with a width of 4.0 metres throughout commencing at Point A on the Plan (OS Grid Reference 3492 / 0149) and proceeding in a southerly direction for a distance of 430 metres via Point B to Point C on the Plan (OS Grid Reference 3508 / 0110) for the purposes of widening Worsbrough Footpath No. 40 and dedicating the same as bridleway; and
- ii) the land as shown with a solid red line on the Plan at a width of 4.0 metres throughout commencing at Point C on the Plan (OS Grid Reference 3508 / 0110) and proceeding in a south easterly direction for a distance of 65 metres to Point D on the Plan (OS Grid Reference 3514 / 0108) for the purposes of dedicating the same as bridleway

Part 2

- i. the land as shown with a solid red line on the Plan with a width of 4.0 metres throughout commencing at Point D on the Plan (OS Grid Reference 3514 / 0108) and proceeding in a south westerly then south easterly direction for a distance of 245 metres via Point E to Point G on the Plan (OS Grid Reference 3529 / 0093)
- ii. the land as shown with a solid blue line on the Plan with a width of 2.0 metres throughout commencing at Point E on the Plan (OS Grid Reference 3513 / 0106)

and proceeding in a south westerly direction for a distance of 15 metres to Point F on the Plan (OS Grid Reference 3512 / 0105)

Together being described as :

A public right of way being a public bridleway 4.0 metres wide throughout commencing at OS Grid Reference 3492 / 0149 (at the point marked A on the Plan) and proceeding generally south east along the field edge and then alongside the drainage pond for a distance of 740 metres to its junction with Hoyland Nether bridleway no. 6 north of the Dearne Valley Parkway underpass at OS Grid Reference 3530 / 0093 (shown between the points marked B, C, D, E and G on the Plan).

A public right of way being a public footpath 2.0 metres wide throughout commencing at OS Grid Reference 3513 / 0106 (at the point marked E on the Plan) and proceeding south west for a distance of 15 metres to its junction with Worsbrough footpath no. 40 at OS Grid Reference 3512 / 0105 (at the point marked F on the Plan).

EXECUTED by the parties hereto as a deed the day and year first before written

THE COMMON SEAL of BARNSELY)
METROPOLITAN BOROUGH COUNCIL)

No. 324
IN REGISTER

was hereunto affixed in the presence of:-



~~Legal Service Director & Solicitor to the Council~~ / Authorised Signatory
(Paragraph 4 (g) Delegations to Officers December 2020)

SIGNED as a DEED by

in the presence of:

Witness' Signature:

Witness' Name:

Witness' Address:

SIGNED as a DEED by

in the presence of:

Witness' Signature:

Witness' Name:

Witness' Address:

EXEC

EOS.

acting by a director in the presence of:)

Director

Witness Signature:

Witness Name:

Witness Address:

Witness Occupation:

Plant Manager