

MIDDLESBROUGH COUNCIL PUBLIC RIGHTS OF WAY

OFFICER DECISION MAKING REPORT

Proposed Public Path Creation Agreement S25 Highways Act 1980

2nd July 2025

Report for Environment & Community Services
Head of Transport & Infrastructure

LOCATION

Development site off Brass Castle Lane, on the former Ford Close Riding Centre Site

WARDS AFFECTED

Marton West

EXECUTIVE SUMMARY

1. As part of the granted planning permission three new footpaths are to be dedicated as Public Rights of Way
2. A creation agreement between the landowner and the council is required to formally record the new paths
3. Consultation with the Local Councillors and the Portfolio Holder have been carried out and no objections received.

PURPOSE OF THE REPORT

4. This report seeks a decision on whether to enter into a Creation Agreement with the Stonebridge Homes Ltd by way of them dedicating several Public Footpaths across land owned by them, after considering the relevant factors in this report and the Rights of Way Officers recommendations.

BACKGROUND

5. A planning application was received in 2022 and during discussions with the developer and as part of the consultation process it was proposed that several Public Rights of way should be created across the site.
6. In 2024 Stonebridge Homes Ltd secured planning consent (ref. 22/0524/MAJ) for the Ford Riding Centre development, in the Ward of Marton West off Brass Castle Lane, subject to conditions.
7. The consent included the creation of several new public footpaths providing links to adjacent developments and to Brass Castle Lane and the wider Public Rights of Way network. The creation of key links in the south of Middlesbrough was logged as a key objective in the Council's statutory Rights of Way Improvement Plan.

8. Under that planning consent, it was a condition that the new Footpaths should be dedicated by the landowner as Public Rights of Way. A Creation Agreement is therefore proposed to create the three new Public Footpaths maintained at the public expense, as shown on the attached plan.

RECOMMENDATIONS

9. It is recommended that the Head of Transport & Infrastructure: -
- a) Approves the entering into a Creation Agreement with Stonebridge Homes Ltd. as it is considered that the proposal delivers the requirements of the planning permission. A Public Path Creation Agreement under Section 25 of the Highways Act 1980 is the statutory means by which this is achieved.
 - b) Authorises the Head of Legal Services to make an order under Section 25 of the Highways Act 1980, as set out in the schedule and plan, to create a Public Footpath through a Creation Agreement with Stonebridge Homes Ltd.
 - c) Agrees that public notice of the making of the Agreement be given, by way of site notices.
 - d) Agrees that the date the order comes into force must not be a date before the adjoining paths are made legal.

OTHER POTENTIAL OPTIONS NOT RECOMMENDED

10. Rejecting the dedication of the paths, however this would not be in accordance with the approved planning permission. The new paths were agreed as part of the planning process for the residential development and represent the outcome of detailed negotiations with the developer and landowner to provide a network that improves recreational access and connects into the wider network.
11. The paths could be left as informal or created as premiss, but this is not felt appropriate. If the paths are not dedicated as Public Rights of Way then they could be closed by the landowner at any point in the future. The use of Section 25 of the Highways Act 1980 creation agreement is the most effective way of ensuring the future protection and management of the routes by the council.

LEGAL IMPLICATIONS

12. A creation agreement is a relatively simple process whereby paths can be added to the Definitive Map and Statement (DMS). Inclusion on the DMS means that the status of the paths is certain and can be asserted and protected by the Council.
13. A public right of way is generally created between existing Highways so as not to create a dead-end path, as the proposed footpaths will connect to highways which will be dedicated at a later date the dedication should come into force on a date after the adjoining routes exist.
14. There is no right of objection from the public.

FINANCE IMPLICATIONS

15. The three footpaths will become highway maintainable at public expense and will be covered by existing Council budgets. The total costs of making the creation Agreement will be covered by the landowner.
16. There is no advertising costs associated with a Creation Agreement.

CONSULTATION

17. Local Ward Members and Portfolio Holder have been contacted and informed of the intention to enter into a Creation Agreement. As this is a requirement of a planning application the Ward Members would have been consulted on the planning application which would have included the proposed Public Footpaths.

CONCLUSION

18. Agree to the Creation Agreement in accordance with the Recommendation

DECISION

Approve <input checked="" type="checkbox"/>	Decision Comments:
Reject <input type="checkbox"/>	
<div style="text-align: right;">Date: ...2/7/2025.....</div>	
<div style="text-align: center;">Head of Transport & Infrastructure</div>	

Actions to be taken to implement the recommended decision

Action	Responsible Officer	Proposed Deadline
Instructions sent to Legal Services	Public Rights of Way Officer	4/7/2025
Legal Order made and advertised	Legal Solicitor	31/7/2025
Physical works on site	Public Rights of Way Officer	31/8/2025
Order Comes into force	Public Rights of Way Officer	1/12/2025

SUPPORTING INFORMATION

- Link to the Planning Application
- Link to s38 Adoption Agreement Plan
- Creation Agreement Schedule
- Creation Agreement Plan

Citizen Portal Planning - application details


22-023-100-P13
S38-S278 Agreement


Creation%20Agreement%20Schedule.d


Ford Close
Development Site Cr

Written By: [REDACTED] (Public Rights of Way Officer)

Tel No: [REDACTED]

E-mail: [REDACTED]

Appendix 1: Equality and Diversity / Public Sector Equality Duty

Accessibility

The new paths will be as accessible as possible for the location.

Human Rights

None

Crime and Disorder

None

Staffing

A creation agreement is part of officers' routine work

Risk

Minimal

Procurement

None

Climate Change

None