

Title of Report:	Cushendall Cliff Path Responsibilities to Legacy Agreement - Public Path Creation Agreement
Committee Report Submitted To:	Leisure and Development Committee
Date of Meeting:	19th January 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2019-23)	
Strategic Theme	Protecting & enhancing our environment and our assets.
Outcome	Generating economic and social returns without compromising the sustainability of our natural assets.
Lead Officer	Head of Tourism and Recreation

Budgetary Considerations	
Cost of Proposal	£1,000 per annum after year 5 Grant aid available up to £6,000 for infrastructure works under the International Appalachian Trail
Included in Current Year Estimates	No
Capital/Revenue	Capital
Code	
Staffing Costs	Administration of capital project

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date: tbc
	EQIA Required and Completed:	n/a	Date
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	n/a	Date:
	DPIA Required and Completed:	n/a	Date:

1.0 Purpose of Report

The purpose of this report is to seek Elected Members approval to formalise public assess arrangements on the Cushendall Cliff Path (known as the Laid Path) with the landowner, and to utilise funding secured to carry out infrastructure improvements.

2.0 Background

The Cushendall Cliff Path was asserted as a Public Right Of Way (PROW) on 14 March 1988 through agreement with the landowner and Moyle District Council. This path is a popular coastal walking route and is enjoyed by the local population around Cushendall and visitors alike. With its exposed cliff top location it requires periodic maintenance and the provision of health and safety measures.

An informal arrangement has been in place since 1998 whereby Moyle District Council carried out the construction of the pathway, associated infrastructure, maintenance and assumed public liability insurance.

After an occasion where works were carried out by Council to realign the pathway, without the landowner's permission and without prior notice, the landowner contacted Council and stated that no further works were to be carried out on his lands without prior agreement. Moyle District Council considered the landowner's request and agreed that no further maintenance would be carried out without the landowner's permission.

In August 2019 the landowner gave permission for essential repair works to take place, subject to a formal legal agreement being put in place between the Council and the landowner. Council Officers have engaged with the landowner and sought specialist legal advice that allows for an arrangement to exist that protects public access to the Cushendall Cliff Path.

It should be noted that a section of the existing asserted Public Right Of Way has been lost due to cliff top erosion. It was for this reason that some of the Council works in the past were carried out to allow for realignment of the path onto new sections of the landowner's property.

3.0 Proposal

Whilst the existing assertion of the Public Right of Way from March 1988 remains unaffected, to allow for improved and controlled management and necessary safety measures, Officers propose that a Public Path Creation Agreement with the landowner is set up. The Public Path Creation Agreement will agree conditions including liability and maintenance and as such these conditions will be in law.

This Public Path Creation Agreement allows Council to formalise the existing informal legacy agreement and defines responsibilities and liabilities.

With this agreement the Council would continue to provide public liability insurance and maintain the walking and safety infrastructure associated with the Cushendall Cliff Path. The Public Path Creation Agreement formalises this arrangement.

4.0 Improvements to the Walking Experience

The formalisation of this Agreement would allow Council to make improvements to the walking and visitor experience. The Cliff Path would be promoted as a spur of the International Appalachian Way and funding is in place to supply and install seating and an interpretation point.

5.0 Maintenance Implications

The Public Path Creation Agreement allows Council to have in place the agreement to maintain the path and viewpoint. It is estimated that, after recent works and the proposed seating and interpretation elements with a viewpoint, little maintenance will be required in the next five years (with the exception of potential vandalism incidents). Thereafter it is estimated

that £1,000 per annum should be factored for within the Coast and Countryside budget for path maintenance and repair.

7.0 Recommendation

It is recommended that the Leisure and Development Committee approve that the Tourism and Recreation team, in conjunction with the Council's Legal Services, advance the Public Path Creation Agreement with the landowner of the Cushendall Cliff Path (Layd Path).