

KESWICK TO THRELKELD RAILWAY FOOTPATH: LEASE OF LAND AT THE FORGE KESWICK

1 SUMMARY

- 1.1 The Authority has agreed to take a lease from the landowner relating to a board walk constructed at the Forge, Keswick as part of the Keswick to Threlkeld Railway footpath. The report recommends completion of the lease and payment of legal and surveyor's costs

Recommendation that:

- a** *The lease of land at the Forge, Keswick be completed on the terms previously agreed.*
- b** *The Authority pay the legal and surveyor's costs of the landlord and rent arrears (all totalling £3,400) to be met from General Reserve.*
- c** *The ongoing cost of the annual rent be met from existing Rights of Way budgets*

2 BACKGROUND

- 2.1 At its meetings in October 1999 and July 2000 the Park Management Committee agreed that the Authority should enter into a lease with the landowner at the Forge, Keswick to allow the construction of a raised boardwalk allowing disabled access around the outside of a former railway tunnel along the route of the Keswick to Threlkeld Railway Footpath. Members were advised that Sustrans were to meet the landlord's legal and surveyor's costs and pay the Authority the sum of £6,000 by way of a capital contribution to defray annual rental costs of £300.
- 2.2 The walkway was constructed by Groundwork North West shortly after the terms of the lease were agreed by the Authority and is a substantial structure which will require regular maintenance and inspection by this Authority and which has now been in place for some years. The Railway Footpath is a popular path which is heavily used.
- 2.3 Negotiations on completion of the lease were protracted because of difficulty in agreeing the detailed terms. Upon reaching agreement as to the terms of the lease payment of the capital sum and costs was requested from Groundwork North West (who had acted as agents for Sustrans). At this point I was advised that Groundwork North West were in liquidation and that there were no funds available to the Authority from Groundwork or Sustrans
- 2.4 The landlord's solicitors have requested that we complete the lease without further delay and that we pay arrears of rent of £1,800 and costs of approximately £1,600.
- 2.5 The Authority has been in possession of the land since 2000 and has constructed substantial engineering works on the landlord's land. If it does not complete the lease it will in any event be faced with a claim for re-imbursment of costs incurred and compensation for occupying the land for a period of six years. It will also have to remove the walkway structure and would end up with a path which can not longer be walked.

3 POLICY CONTEXT

- 3.1 In the Vision for the Lake District National Park 2006 - 2030 a key delivery area is enabling people to connect with nature and landscape - by improving access, understanding, enjoyment, education and health. Policy AR3 in the National Park Management Plan 2004 states that we will extend, improve, protect, and provide up-to-

date information on, the rights of way network and opportunities for access. SP9 of our Corporate Plan 2005 - 2008 states that we will implement the CROW delivery plan, promote integrated access for all users and continue to maintain and enhance rights of way and associated infrastructure.

- 3.2 The permitted footpath link is on a well-used path, one that actively promotes the above elements. Retaining the permitted footpath link will keep the enhancement to the rights of way network previously negotiated.

4 OPTIONS

- 4.1 The Authority could decide not to complete the lease and remove the walkway. Such a course of action is not advised.

5 PROPOSALS

- 5.1 It is proposed that the lease should be completed without further delay.

6 BEST VALUE IMPLICATIONS

- 6.1 The course of action recommended has no direct best value implications.

7 FINANCE CONSIDERATIONS

- 7.1 The cost of arrears of rent and legal and surveyors fees amounting to £3,400 can be met from reserves. Ongoing annual rental of £300 (subject to review) will be a continuing charge, to be met from the Rights of Way revenue budget.

8 RISK

- 8.1 The Authority risks legal action and/or closure of the path if it does not complete the lease.

9 LEGAL CONSIDERATIONS

- 9.1 Legal advice is set out in the report.

10 HUMAN RESOURCES

- 10.1 There are no Human Resources implications.

11 SUSTAINABILITY

- 11.1 There are no relevant sustainability considerations.

Background Papers	Property File 530.18
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