

# **HALTON BOROUGH COUNCIL**

## **PUBLIC RIGHTS OF WAY MILESTONE STATEMENT PROGRESS REPORT 2006/07**



## 1. INTRODUCTION

The Council's Executive Board approved the Halton Borough Council Public Rights of Way Milestone Statement in 2003. The Milestone Statement sets out the work required to achieve the three national targets specified by the Countryside Commission, (formerly the Countryside Agency and now Natural England), that all public rights of way should be legally defined, properly maintained and publicised.

This review details the progress made towards meeting the targets set. The new duties and powers resulting from the Countryside and Rights of Way (CROW) Act 2000 have also been integrated into the review, where appropriate.

Following the introduction of the CROW Act 2000, Halton joined together with Sefton MBC, Knowsley MBC, Liverpool City Council, St Helens MBC and Wirral MBC to form the Merseyside Local Access Forum in 2001. Warrington Borough Council teamed up with Cheshire County Council to form the Cheshire and Warrington Local Access Forum, which was also established in 2001. Due to the geographic position of Halton, both of these forums will play an important role in advising on access strategies and developing Halton's Rights of Way Improvement Plan.

The Rights of Way Improvement Plan (ROWIP) is not about rights of way in isolation, it is intended to deliver an integrated network of routes in and between town and country. The rights of way network is undoubtedly a major element of access to the countryside and to services, but on its own does not show the full picture. There are many other routes and sites that are used by the general public for informal countryside access and every day journeys that are not legally recorded as definitive public rights of way. With this in mind, the Rights of Way Improvement Plan for Halton will consider the whole network of non-motorised routes, public open spaces and sites, (including the potential of 'Open Country'), as well as definitive rights of way and highways. It will also look at the whole spectrum of users and journey purposes, from disabled access needs to routes to open access land. The ROWIP is a strategic document and forms a distinct strand of Halton's Local Transport Plan (LTP). It will assist in achieving some of the transport related targets within the LTP i.e. reducing congestion, safer roads and improved accessibility. It also has the potential to assist with other strategy aims by improving health (through promoting healthy walking and cycling), employment opportunities, the environment (reducing congestion by encouraging walking and cycling), social inclusion, tourism, and education.

Another impact of the CROW Act 2000 was to set a cut off date for the recording of pre 1949 footpaths and bridleways which will be automatically legally stopped up if not recorded on the Definitive Map and Statement of public rights of ways by the year 2026. As a result, the Countryside Agency launched a project called "Discovering Lost Ways" which aims to help surveying authorities to identify and record by 2026 all public rights not currently recorded on the Definitive Map and Statement of Public Rights of Way. Cheshire and Wiltshire were chosen as the lead authorities for the project, which is being undertaken by Land Aspects. Land Aspects will be working through documents in archives such as those held by the Public Record Office. This work will help to build up a system of electronic maps, which will be used to overlay local authorities' existing Definitive Maps and Lists of Streets, to enable gaps to be identified and future claims made. Part of Halton's area was included within the boundaries of Cheshire before 1974 and therefore as the Cheshire Records Office covers the pre-1974 administrative boundaries part of Halton will also be included in this first wave of the project. To enable full use of the whole of the pre-1974 documentation, the Definitive Map, Statements and the List of Streets have been provided to Land Aspects in an electronic

format to provide a base for overlaying the data. The project is expected to provide case files which may result in the need for Definitive Map Modification orders to record currently unrecorded paths or paths recorded at too low a status. The latter scenario will probably be the more likely out come for Halton; either way there may be financial implications, which will need to be addressed as a result of this project.

A glossary of terms is provided at the back of the document, which explains the key terms referred to in the Statement.

## **1.0 NATIONAL TARGET 1 – “LEGALLY DEFINED”**

### **1.1 Component Task 1.1 – Statement of Priorities Published**

This component task is complete.

#### **Current Position:**

The Statement was approved by the Executive Board and published on 6<sup>th</sup> March 2003. The priorities within the statement still apply; however, they will be monitored to assess whether changes to the priorities are required.

### **1.2 Component task 1.2 – The Authority has considered the need to consolidate the map and take any necessary action.**

Section 57(3) of the Wildlife and Countryside Act 1981 provides for authorities to prepare new maps and statements, updated to show the effects of modifications since the previous map and statement were prepared.

#### **Projected Completion**

Following the processing of five legal event modification orders in June, July and August 2006, covering the parishes of Preston Brook, Daresbury, Runcorn, Sutton and Norton, the digitised copy of the definitive map has been updated accordingly to show the changes to the network. It is intended that this updated digitised definitive map will be made available to the public as soon as possible. The target of March 2010 for a consolidated map and statement covering the areas managed by Halton is still appropriate, however, we will endeavour to decrease this timescale.

#### **Indicators for monitoring**

- i) Digitised copy of definitive maps completed.
- ii) Definitive Map and Statement prepared by Lancashire C.C Relevant Date 1<sup>st</sup> January 1953 consolidated and published.
- iii) Definitive Map and Statement prepared by Cheshire C.C Relevant Date 1<sup>st</sup> June 1953 consolidated and published.
- iv) Draft Map and Statement prepared by Whiston Rural District, Relevant Date 1<sup>st</sup> January 1953 consolidated and published.
- v) New Definitive Map and Statement for the whole of Halton including those areas inherited from other authorities produced.
- vi) No. of anomalies identified and addressed.

#### **Current Position**

- i) Digitisation of the Definitive Map prepared by Lancashire C.C. relevant date 1<sup>st</sup> January 1953 has been completed.

Digitisation of the Definitive Map prepared by Cheshire C.C. relevant date 1<sup>st</sup> June 1953 has been completed.

Digitisation of the Draft Definitive Map prepared by Whiston R.D relevant date 1<sup>st</sup> January 1953 has been completed.

- ii) Commenced.
- iii) Commenced.
- iv) To be commenced.

- v) To be commenced.
- vi) To be commenced.

### 1.3 Component Task 1.3 – No backlog of Legal Event Orders

To date 62No 'Legal Event Orders' affecting 42No paths have been located. Twenty seven of these orders which affect 20No paths have been included in Halton's omnibus Legal Event Modification Orders which were processed in June, July and August 2006. These Orders covered the parishes of Preston Brook, Daresbury, Runcorn, Sutton and Norton. It is the intention to continue to process as many Legal Event Modification Orders as possible, until the backlog has been addressed.

#### Projected Completion

It is still intended to complete this task by March 2010.

### 1.4 Component Task 1.4 – No backlog of Modifications to Definitive Map

It is estimated that there are 5No possible cases of 'Evidential Events', resulting from research carried out by Liverpool City Council, whilst preparing their Definitive Map. These may require the processing of an Evidential Map Modification Order to amend the Definitive Map. No formal applications have yet been received, although one information pack has been requested.

There have also been packs requested regarding three other paths, but again no formal applications have been received.

#### Projected Completion

The completion of this task is dependent on the receipt of formal applications.

### 1.5 Component Task 1.5 – No backlog of other cases that may result in a change to Definitive Map

It was estimated that there were 47No paths that required investigation, which might result in a Public Path Order (PPO) or Definitive Map Modification Order (DMMO). To date 6No public path orders have been processed leaving 41 paths still to be addressed.

Table 1 – Public Path Orders that have been processed

| Footpath No | Issue   | Action                                | Order Type      |
|-------------|---|---------------------------------------|-----------------|
| Widnes No19 | Section of path omitted from original order built over by development | Affected section of path Extinguished | HA 1980 sec 116 |
| Runcorn No4 | Expressway built over path  | Path Extinguished                     | HA 1980 sec 116 |
| Runcorn No5 | Expressway built over path  | Path Extinguished                     | HA 1980 sec 116 |
| Runcorn No7 | Expressway built over path  | Path Extinguished                     | HA 1980 sec 116 |
| Halton No14 | Astmoor Industrial Estate built over path                             | Path Extinguished                     | HA 1980 sec 116 |
| Halton No15 | Astmoor Industrial Estate built over part of path                     | Part of path Extinguished             | HA 1980 sec 116 |

#### Projected Completion

It is still the intention to complete this task by 2011, although every endeavour will be made to try and reduce this timescale.

## 1.6 Component Task 1.6 - Rights of Way Improvement Plans

The revised timetable for the production of the Rights of Way Improvement Plan can be seen below.

Table 2 – Rights of Way Improvement Plan – Programme

|   |  |                         |
|---|--|-------------------------|
| 1 | Assessment work to be completed by   | March 2007              |
| 2 | Draft statement of action prepared and consultation with the Merseyside and the Cheshire and Warrington Local Access Forums on the draft statement of action and the assessment report.                      | April - May 2007        |
| 3 | Executive Board approval to wider public consultation on draft plan.   | June 2007               |
| 4 | 12 week consultation on the draft plan as required by the Act (DEFRA guidance advises 12 week period)  | July – September 2007   |
| 5 | Consideration by officers of comments received on the draft plan and changes to be made as a consequence. Consult with the Merseyside and the Cheshire and Warrington Local Access Forums regarding changes. | October 2007            |
| 6 | Executive Board approval of final version of plan  | October - November 2007 |
| 7 | Publication of approved Plan   | November 2007           |

### Projected Completion

It is expected that this task will be completed in November 2007.

## 2.0 NATIONAL TARGET 2 – “PROPERLY MAINTAINED”

### 2.1 Component Task 2.1 – All footpaths, bridleways and byways correctly signposted where they leave a metalled road

It is still the intention to improve the percentage of correctly signed paths to 91%. The total number of signs installed since 2003/04 is 30. In addition, a number of finger signs were re-fixed to existing posts.

### Projected Completion

A sign audit to ascertain the percentage of paths signed is proposed to be undertaken in 2007/08. This survey will record those signs that are missing and locations where signs are required. The identified signing works will then be included in the following years works programme. It is recognised that this component task will always be ongoing due to vandalism.

### 2.2 Component Task 2.2 – All public rights of way clear of obstructions, misleading notices, other hindrances or impediments.

Only one report of an obstruction was recorded during 03/04 and 04/05 and this was resolved successfully.

### **Projected Completion**

The Council will continue to be proactive in resolving these issues as well as responding to reports from the public.

### **2.3 Component Task 2.3 – Bridges, stiles gates etc are in place where required; are all safe and convenient to use.**

Since the Milestone Statement was produced a total of 12 Kissing gates, 1 footbridge, 1 bridle access, a bike trap and 2 handrails have been installed, as part of the routine annual maintenance and improvements programme,

### **Projected Completion**

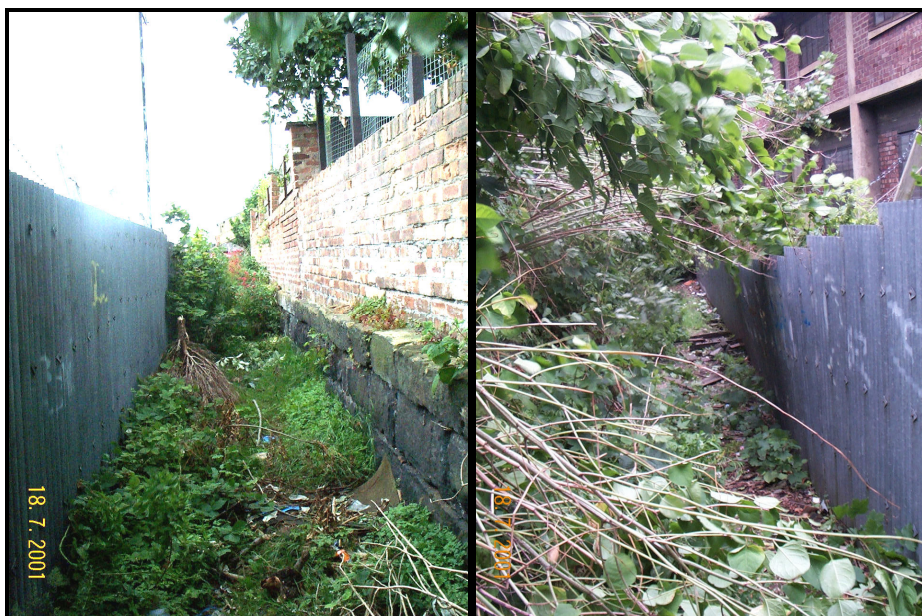
This task is ongoing as part of the Council's maintenance responsibilities.

### **2.4 Component Task 2.4 – Surface of every right of way in proper repair, reasonably safe and suitable for its expected use.**

In addition to the annual maintenance and improvement works carried out to the network, advantage has been taken of other funding sources to enable the following works to be undertaken:

**Footpath Runcorn No28** – Clearance and improvement works to this path have rendered it useable once again. Every attempt will be made to take advantage of any proposed development in this area to further improve this path e.g. open it up, widen, and light it.

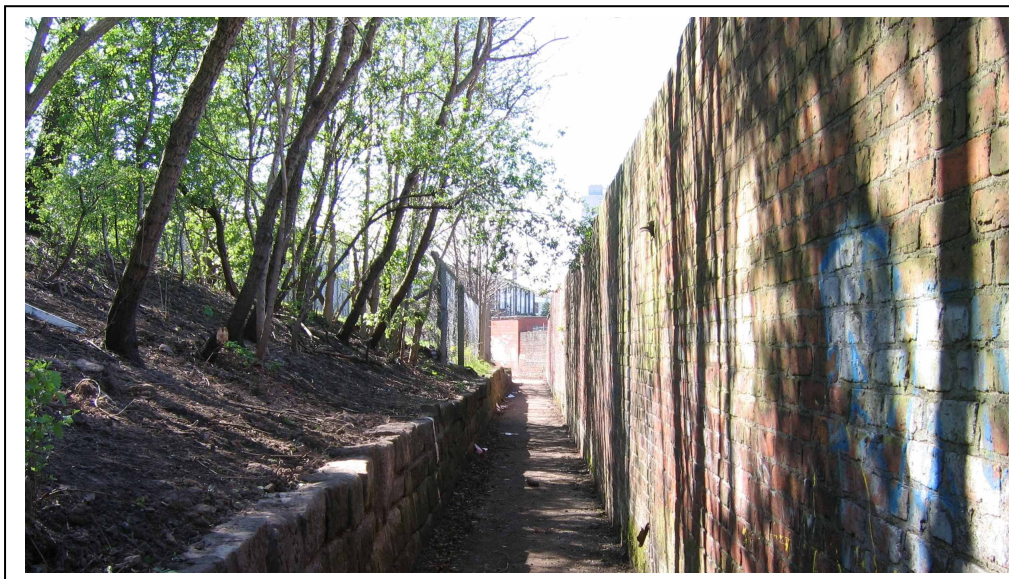
### **Before**







**After**





**Footpath Widnes No77** – This path has been improved as a result of the New Widnes Waterfront regeneration works and associated funding. The improvements consisted of the replacement of the existing damaged flagged surface with a newly constructed tarmac surface, the widening of the footpath to 3m and the erection of street lighting.

**Footpaths Runcorn No21 and Sutton No6** – Following an extensive consultation exercise, improvement works to this well used footpath have been undertaken. The improvements included widening to 3m, resurfacing and the conversion of the footpath to a cycleway. The erection of street lighting has been put on hold due to financial restrictions; however, ducting has been installed should this situation improve.

We will continue to explore new avenues of funding to implement the works previously identified within the Milestones Statement e.g. Widnes Footpath No69, Runcorn Footpath No24, Widnes No5 and Widnes No23. We will also continue to monitor the network to identify future requirements.

#### **Projected Completion**

It is not possible to indicate when this element will be completed as it is reliant on the availability of funding. However, every opportunity will be taken to improve the rights of way network through partnership working and linking to other initiatives.

### **2.5 Component Task 2.5 – All rights of way inspected regularly by or on behalf of the authority.**

A random sample of approx 33% of the network is inspected annually as part of the Best Value Performance Indicators. This equates to approx 25km of the network 12.5km inspected in May and 12.5km in November. However, it is proposed to inspect the whole network at least bi-annually, in future years.

#### **Projected Completion**

Surveys for 05/06 and 06/07 have been completed.

Halton's Performance Indicator figures are shown below:

|                 | <b>ACTUAL<br/>2002/2003</b> | <b>ACTUAL<br/>2003/2004</b> | <b>ACTUAL<br/>2004/2005</b> | <b>ACTUAL<br/>2005/2006</b> | <b>ACTUAL<br/>2006/2007</b> |
|-----------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| <b>BVPI 178</b> | 85%                         | 95%                         | 95%                         | 96%                         | 94%                         |

### **2.6 Component Task 2.6 – Authority able to protect and assert public's rights and meet other statutory duties (e.g. to ensure compliance with the Public Rights of Way Act 1990).**

Fortunately the Council does not receive many complaints with regards to obstruction of the rights of way network and those that have been reported, have been dealt with successfully. However, it is still the intention of the Council to prepare and adopt an enforcement policy to enable the Council to deal effectively and efficiently with issues of ploughing and cropping.

### **Projected Completion**

Due to the nature of this work, the Council is likely to be called up on, from time to time, to take action to protect the highway.

#### **2.7 Component Task 2.7 – Way marks are provided at necessary locations and are adequate to assist users.**

Way marking is carried out as part of the annual maintenance/improvement works programme and other maintenance works. We will continue to monitor the network and include any identified way marking requirements in the annual work programme or individual work projects, as necessary.

#### **2.8 Component Task 2.8 – Other Structures e.g. steps, barriers, handrails, earthworks, drainage etc.**

Limited progress has been made on this component task. The existing handrail on footpath Halton No2 has been repaired and a new section erected to continue the existing rail all the way down the concrete steps. Works are due to start on Runcorn No23 to repair the existing handrail and to erect a new section of handrail, which will continue down to the steps on Weston Road. However, there has been no progress on the works identified for footpaths Halton No6, Widnes No70 and Hale No5, as yet.

### **Projected Completion**

It is not possible to indicate when this element will be completed as this is another component task that is reliant on the availability of funding. However, every opportunity will be taken to improve the rights of way network, through partnership working and linking into other initiatives.

### **3.0 NATIONAL TARGET 3 – WELL PUBLICISED**

#### **3.1 The Authority has a programme in place to develop and promote a range of routes, meeting the criteria set out in Paths, Routes and Trails.**

The Council is in the process of producing a series of leaflets entitled 'Halton's Villages', which promote walks for varying abilities and use the existing rights of way network and other means of access. To date six leaflets have been produced in the series –

- No1 Walks around Moore,
- No2 Walks around Preston Brook,
- No3 Walks around Daresbury,
- No4 Walks around Hale,
- No5 Walks around Farnworth and
- No6 Walks around West Bank.

It is the intention to produce at least one of these leaflets every year until access on both sides of the river has been adequately promoted.

### **Projected Completion**

This is an ongoing task and the Council will endeavour to improve the promotion of access through as many media as possible, as funding opportunities become available.

## 4.0 GLOSSARY OF TERMS

### ***Definitive Map***

Is the Legal register of public rights of way. The showing of a path on the definitive map was and is conclusive evidence that it was a public right of way at the date the map was prepared (relevant date). However, although the map provides conclusive evidence of the existence of rights, the reverse is not true. If a footpath is shown on the definitive map, it is conclusive evidence that the lower rights exist, however, this does not preclude that higher rights may exist, or that a way not shown on the map could be a public right of way. The higher rights or status of the claimed right of way would have to be proved.

### ***Statement***

A written gazetteer and description of paths shown on the definitive map.

The Definitive Map and Statement are conclusive evidence in law of the particulars they contain.

### ***The Relevant Date***

This is the date decided upon by the surveying authority, after which it would not accept any further evidence to add to, or amend ways shown in the draft map. The relevant date had to be no more than 6 months before the publication of the press notices inviting public inspection of the draft map. This relevant date still holds for the current definitive map as regards the ways originally shown thereon.

The Map is therefore known to be correct as of that date. If a map has been amended by modification orders it will thus be subject to more than one 'relevant date'.

### ***Public Right of Way (PRoW)***

A way over which the public, have the right to pass and re pass. A right to pass from A – B by a defined route.

### ***Public Footpath***

Is a highway over which the public, have the right of way on foot only.

### ***Public Bridleway***

Is a highway over which the right of way is on foot, on horseback or leading a horse, possibly with a right to drive animals. Section 30 of the Wildlife and Countryside Act 1968 provides a right to ride a bicycle on bridleways but cyclists must give way to pedestrians or persons on horseback.

### ***Public Path Orders (PPO)***

This is the legal process, which alters or amends the rights of the public in relation to a specific public right of way. They make physical changes on the ground and do not change the Definitive Map and Statement.

They may be grouped into 3 categories:

- Diversions

- Creations
- Extinguishments

***Definitive Map Modification Orders (DMMO)***

This is the legal process by which the definitive map and statement are altered or amended following an 'event'. This could be a 'legal event' eg a PPO to divert a path or an 'evidential event' eg the discovery of evidence that a path is a right of way.