

Appendix 1 - Background Information

- 1.1 In 1957 the City and Waterworks Engineer's Department of Bath City Council completed a survey of public rights of way in the city. The document produced is titled 'Survey of Public Rights of Way: For the Purpose of Part IV of the National Parks & Access to the Countryside Act 1949'. A footnote on the schedule states "*All footpaths walked by R.F. Little between June 1st & 30th 1955*". The survey did not cover all of the paths in the city of Bath, only "*the footpaths and public rights of way in the undeveloped parts of Bath and the footpaths in the built up areas which connect up with these paths*".
- 1.2 The 1949 Act established that public footpaths and bridleways that were in existence at that time were maintainable at public expense. It is assumed that the paths that were surveyed in 1955 were already in existence in 1949 unless evidence is found to the contrary.
- 1.3 No 'official' action was taken on the above Act, but the 1957 survey was a fairly comprehensive survey of the footpaths. A 6" scale map was produced showing footpaths within the city boundary. Two of the paths are shown on this survey (AQ68 and AQ69).
- 1.4 The method of research is described in the document 'Bath Definitive Map Plan (Working Document)' which is available as a background paper. The research began in January 2022.
- 1.5 The City of Bath boundary expanded in 1966 to incorporate newly developed areas. A Definitive Map and Statement was prepared for the area surrounding Bath in the 1950s so the additional areas are not included in the scope of this project. The boundary for the project is therefore taken to be the boundary of the City pre-1966.
- 1.6 A convention for classifying paths has been adopted. Whilst not always rigidly applied the following prefixes to a path number normally indicates:
 - "AQ": The path was recorded on the 1957 Survey, or there is good evidence that the path was in existence at that time, or the path is included in the Council's List of Streets, maintainable at public expense. If a right of way was in existence in 1949, by virtue of the National Parks and Access to the Countryside Act 1949, it became publicly maintainable.
 - "BQ": Paths established or identified since the 1957 Survey.
 - "CQ": Other paths identified for research prior to the project by members of the public. The maintenance liabilities of these paths are unclear.
- 1.7 Section 36(6) of the Highways Act 1980 requires every highway authority to make, and keep up to date, a list of streets within its area (known as the List of Streets). The list must contain all footpaths,

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bridleways and carriageways which are highways maintainable at public expense, whether or not they are shown on the definitive map.

- 1.8 During research, paths were classed as routine or non-routine, as defined in the 'Bath Definitive Map Plan (Working Copy)'. Non-routine paths were put aside to be researched at a later date, outside of the scope of this project. Only routine paths were included in the consultations with adjacent property holders.
- 1.9 Where a path has several distinct branches, a different path number has been allocated to each branch to avoid confusion when describing it.
- 1.10 A new reference number will be allocated to each path that has an Order made and confirmed. The numbering convention complies with British Standards and is described in the document 'Bath Definitive Map Plan (Working Document)'. Where a path has several distinct branches, a different path number will be allocated to each branch. This follows the convention used in the rural areas.
- 1.11 The widths of the paths have been determined by what appears to have been used by the public and by reference to historic maps. Where the paths are on adopted highway, we are seeking to record the public right of way across the whole width of the adopted section, unless evidence suggests otherwise. Where the path is bounded, the fence to fence presumption is applicable, assuming the boundaries are set out in reference to the width of the highway. Where there is no clear indication of the width used by the public, and the path is not bounded, paragraph 4.2 of PINS Advice Note 16 states that the width recorded should be sufficient to enable two users to pass comfortably, occasional pinch points excepted, and a standard width of 1.8m will therefore be used for public footpaths.