

## **Bath Definitive Map Plan Working Document**

### **Background**

The City of Bath was a County Borough and was formally exempt from the requirement to produce a DMS under the National Parks and Access to the Countryside Act of 1949.

The City Engineers undertook a survey in 1957. 106 paths were surveyed. Some of those have since been affected by development and have had diversion or stopping up orders made. Records have been checked and some paths with an order covering the whole route were added to the DMS by a Legal Event Modification Order.

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. Some have been included because a public right of way must start and finish on a highway and documentary evidence shows their existence as a continuance of an ‘AQ’ or ‘BQ’ path.

“X”: Other paths identified for research in each ward as part of the project. The maintenance liabilities of these paths are unclear. These paths may have been identified either by interested groups, from map based research or from a walking survey undertaken around the ward.

Once legally recorded, each path will be given a new identifying number to comply with BS Standards. The method used for numbering is described in *Decisions Made*.

A decision has been made to divide the paths into two categories, routine and non-routine. They will be researched on a ward by ward basis in order of routine and non-routine.

This document lists:

- Decisions Made
- Sequence of Events
- Data Gathering
- Estimates

### **Decisions Made:**

#### 1) Numbering convention

Public rights of way to be included on the Definitive Map and Statement will be numbered to comply with BS Standards. The following notation is used:

*BC* followed by *Grid Number* followed by *Path Number*  
For example BC25/1

This is made up of:

- Prefix of BC for Bath City
- Grid Number = 3<sup>rd</sup> digit latitude, 3<sup>rd</sup> digit longitude
- Path Number – paths numbered by grid from the NW

#### 2) Methodology followed

- The chosen methodology for researching the routes is the York Method as described in the document 'Mapping Excluded Areas Revised 2 October 2002'.
- The Definitive Map & Statement will be held digitally, in addition to paper copies.

#### 3) The Definitive Map

- The map was published on 29<sup>th</sup> March 2006.
- The map has an OS Base with a title.
- The scale of map is 1:10,000.
- The City of Bath Boundary is pre 1966.
- Annotation of Public Rights of Way on the map - See Committee Report Dec 2002.
- It is intended that the map will be accessible to the public digitally in addition to paper copy. It is currently available digitally to selected departments within the Council.

#### 4) The Definitive Statement

The Definitive Statement is held in paper format, bound as a document.

- The paper version of the Definitive Statement holds a written description of each path (listed as Path Description).

## 5) Research

The research started in the NW ward and continues in the following order:

- a) Weston – completed 2014.
- b) Lansdown – completed 2014.
- c) Lambridge – completed 2006.
- d) Newbridge – completed 2007.
- e) Kingsmead – completed 2008.
- f) Abbey – completed 2008.
- g) Towpath – completed 2017.
- h) Walcot – completed 2014
- i) Bathwick – completed 2017.
- j) Twerton – completed 2018
- k) Westmoreland – completed 2018
- l) Widcombe – begun 2018
- m) Southdown
- n) Oldfield
- o) Lyncombe
- p) Odd Down
- q) Combe Down

Where paths appear in more than one ward, consult the residents of the adjacent properties as normal. Include in the consultation for the major ward and consult the councillor in the secondary ward. Some consultation should take place with parish Councils adjoining the City Boundary.

## 6) Routine and Non-routine Paths

- **Routine Paths**

These paths are not threatened in any way. They are being researched in order, ward by ward, as listed above.

- **Non-Routine Paths**

During consultation, some paths will be objected to or require further research. Due to the high number of paths needing recording, any 'non-routine' paths will be set -aside to enable a higher volume of straight forward paths to be dealt with. These paths will be dealt with once the routine paths in all of the wards are recorded. This includes:

- Paths subject to Schedule 14 Applications,
- Well established paths on which obstructions exist, or are threatened.
- Paths which are part of other council initiatives.

## 7) List of Consultees (page 398 'Blue Book')

- |                         |                           |
|-------------------------|---------------------------|
| • Ramblers Association  | • British Driving Society |
| • British Horse Society | • Open Spaces Society     |
| • Auto Cycle Union      | • Pedestrian Society      |
| • Cyclists Touring Club | • Residents Associations  |

- Ward Members (Councillors)
- Local History Groups
- Local Interest Groups
- Adjacent properties
- Others as appropriate
- Parish Councils adjacent to City Boundary
- Byways and Bridleways Trust

### **Sequence of Events**

- a) A Blank Definitive Map and Statement were created.
- b) The blank map was modified by means of a DMMO (these are Legal Event Orders) made under s53(3)(a) (1) to incorporate previously made PPO's. This fulfilled the requirements of s55(3) and the map became the DMS for the City of Bath.

As soon as the first order was made and confirmed (3<sup>rd</sup> August 2005 – Weston Ward (No.1)) the map and statement became definitive.

- c) The DMS was consolidated under s57(3) to incorporate all the previously confirmed evidential Definitive Map Modification Orders.

A total of 54 paths were included.

- The map and statement were signed and sealed. The original is held by Legal Services. Copies were produced for Trimbridge House, for The Library, for The Archives, for the regional government office (GONE), for the OS.
  - It is not possible to encapsulate the signed and sealed original map as the process would damage the seal. Copies for PROW, The Central Library and Archives were encapsulated.
  - Bound copies of the statement were produced.
  - An advert was placed in the Bath Chronicle on 31<sup>st</sup> March 2006 to inform the public that the DMS is published and under continuous review.
  - It is intended that a digital map will be produced, linked to the Access Database holding the Statement details.
  - Produce a copy of the map to be the Working Copy. This could be done on the larger scale of 1:2500.
  - Use the Working Copy for all DMMOs thereafter.
  - Periodically consolidate working copy to create a new DMS, each time producing three sealed copies (as required by statute). One for archives, one for the regional government office and the other with the OS.
- d) A programme has been devised and implemented to record all currently unrecorded rights of way. This is outlined under the heading *Data Gathering*.

## **Data Gathering**

### Paths with previously made Public Path Orders

Paths with previously made PPO's will be checked first as some of the orders were made several years ago. There are roughly 50 paths.

- Check that the paths still exist on the ground
- Number the paths according to agreed convention
- Collate the paperwork concerning these orders
- Add to the DMS via a Legal Event Order

### Routine and Non-Routine Paths

A non-routine path is one that may have been objected to or be in some way obstructed. Some research may have been done on these routes. At any point in the process of research a routine path may become a non-routine path and be put to one side to be researched once all of the routine paths have been recorded.

This process will be carried out 17 times – once for each ward and once for the River and Towpath paths.

#### **a) Research routes on a ward by ward basis**

The order of search has been determined – see *Decisions Made*.

#### **b) Publicise the project**

Details of the project can be found on the Bath & North East Somerset Council website. An article about the project appeared in the Bath Chronicle in March 2004.

#### **c) Preliminary research of each route**

Walk each route and take photos. Number any previously unrecorded paths with an 'X' prefix relevant to the ward. Discard any paths that aren't paths! Put any paths with obstructions in the 'non routine' list.

#### **d) Check Historical Records**

Ordnance Survey Maps to be checked to see how long the path has been in existence. Other documentary research to be undertaken on an ad hoc basis in response to specific queries.

#### **e) Land Registry Searches**

Land Registry Searches will be made for all paths included in the research where land ownership is unknown.

#### **f) Undertake consultations with all of the usual organisations and individuals as defined within the Parliamentary Rights of Way Review Committee's Code of Practice on consultation.**

This will be achieved by providing consultees with a map of the ward with the routes under investigation marked upon them. The consultees will be invited to add any additional routes which they believe to be a public right

of way. Any additional routes will be added to the ward list as appropriate. The statutory consultees are listed in *Decisions Made*. Statutory Undertakers are also contacted to ensure they have no problem with any potential orders being made.

**g) Consult with Councillors**

Request that the Ward Councillors check the map. Consult the parish councils that are adjacent to the City of Bath boundary. Paths may cross the boundary and will be used by people in the wards and parishes. The maps will differentiate between those paths on which we are ready to make orders and those which are non-routine and require more research before an order can be made.

**h) User groups will be asked to provide evidence**

User groups which have identified additional paths will be asked to provide evidence of path usage.

**i) Write to each adjacent property of each path**

Send a letter, map and details of the online consultation. The letter will explain that the paths are being researched and will give details about what happens next. The adjacent property dwellers will be asked to fill in the electronic evidence form with any information that they can provide about the path (i.e. is it a public right of way).

**j) Consultation notice and plan posted at each end of the footpath**

The notice will provide brief details of the process being undertaken, the path reference number and contact details for any enquiries. Advise that the period for objection is 2 months. Any paths that have objections raised to be put in the 'non routine' list.

**k) Survey the footpaths on the ground and on the computer**

Note width, surface type, furniture etc.

**l) Send copies of the researched list and map to Ward Councillors / Landowners**

The map and list will differentiate between those paths on which we are ready to make orders and those which are non-routine and require more research before an order can be made.

**m) Submit the report to the Authorising Officer**

In order to save time and money, the Authorising Officer will be presented with a number of paths to approve for addition to the Definitive Map and Statement. These will be the routine paths. Non-routine paths will be researched at a later date to be specified.

**n) Make Modification Orders as approved by the Authorising Officer to add paths to the map en masse**

Modification Orders have to be advertised in the local press when made and also when confirmed. The use of omnibus orders is considerably cheaper than individual orders so all paths in a particular ward will be

advertised at the same time. The maximum number of paths which will fit comfortably on one advertising notice is about 20. If the ward has more paths, more than one order will be required for that ward.

**o) Serve notice to landowners**

If it is not possible to determine the landowner, get dispensation from the Secretary of State for the notification on site.

**p) Post on site and serve notice on the adjoining properties.**

At all stages, put any objections to one side or don't progress at all. These become **Non Routine Paths**, which will be looked at after the main exercise has been completed.

**Estimates**

It was originally estimated that there were approximately 200 – 250 routes to be added to the Definitive Map and Statement. Over 650 routes have now been identified, with a total length of 100km. The vast majority of these paths are already adopted and are likely to be routine paths. Other paths will be identified as research is carried out.

By March 2018, 16 omnibus DMMOs had been made for 297 public rights of way. Objections have been received for 20 of the paths included in the orders. The objections were submitted to the Planning Inspectorate and determined by the Secretary of State for the Environment.

By March 2018, there are approximately 192 paths still to be researched, with a total length of approximately 33km.

Once the process is begun in a ward, research in the next ward can begin whilst waiting for the consultation period to end.

**Decisions – from Mapping Excluded Areas Document**

Determination of whether or not to make DMMO will be decided by the Authorising Officer. A summary of evidence, comments etc with a plan will be produced in respect of each route under consideration. These schedules will be appended to a report to be placed before the Authorising Officer to enable the necessary decisions to be made. The section of the 1981 Act under which the Orders will be made is 53 (3) (c) (1) (discovery of evidence) based on common law dedication and acceptance. It is submitted that it is not necessary for the identity of the landowner to be known for dedication at common law to be inferred. Omnibus Orders containing many paths e.g. all the relevant paths within one ward, will be made.