

Planning committee meeting 15.11.21

Footpath report regarding the Definitive Map Modification Order

Prepared by Felicity Ryan, Town Clerk

The following e mail was received from NCALC regarding this issue :

Background

As you may or may not know, there are many examples in Northamptonshire of routes which have a dual status. They appear on the Definitive Map as a public right of way and also on the List of Streets as a highway with full rights for all users (including motor vehicles). This is sometimes known as a "highway conflict" but in practice, few problems are caused. The way that these dual status routes came about is various. Some are alleyways within the villages and towns, others have been created on the edges of settlements when modern developments have included new roads which have overlain existing public rights of way. In some cases, the highway footpaths have been formally adopted, in other cases not.

It would appear that in 2016, when Kier/WSP were carrying out a periodic consolidation of the Definitive Map and Statement for Northamptonshire County Council (NCC), they made a decision to include extra schedules in the map Order to remove those public rights of way, in part or whole, where the route was also served by a full highway. This was done under s.53(2)(a) of the Wildlife and Countryside Act 1981, which did not require Kier/WSP to consult with anyone, so there was no consultation with parish and town councils.

The effects of this varies according to each individual route. Where a carriageway with footways replaced a public footpath or bridleway, I doubt that there would have been any objections. However, in the case of alleyways which were intended for pedestrians only, the remaining highway footpath carries with it unrestricted rights such that vehicles including quad bikes and motor bikes can also use them which, in many cases, is extremely dangerous.

You will find a copy of the 2016 Order at <https://www.northantscalc.com/uploads/difinitive-map-modification-order-sep16.pdf>.

There are over 90 paths and part paths removed from the map in this way without consultation with parish and town councils. The issue is of most concern where it effects urban paths and alleys because these can now be used by motorbikes, quadbikes and horse riders. This matter came to light when Cogenhoe and Whiston Parish Council (C&WPC) received a complaint about a quad bike using one of their urban paths – KF26. After pressuring NCC, C&WPC was offered a permanent Traffic Regulation Order (TRO) on their path, which limits the legal use to pedestrians only. It is not ideal because 'permanent' TROs are not necessarily, all that permanent, but it solves the problem for now.

The considered opinion is that Kier/WSP and NCC's actions were uncommon but probably legal – although it is unlikely that the draughtsman of s.53(2)(a) of the Wildlife and Countryside Act 1981 intended for it to be used in the way it was here.

Action

The main objective of this message is to alert your council to the potential issue.

If further TROs are required then it might make sense for there to be some co-ordination so that a bulk submission can be made, which will save all parties time and money.

Each entry in the 2016 Order should be looked at on its own merits. I would be grateful if your council could look at the Order and consider any issues that it raises. If there is no issue as far as your council is concerned then there is no need for further action, and no need to let me know. If on the other hand the Order does pose an issue to your council then please let me know, if

possible by 30 November 2021, and when everyone has responded we can decide collectively what to do next.

The learning point that we will make sure gets taken forward by the unitary councils is that public footpaths must never be removed from the Definitive Map, even for perfectly good reasons, without first consulting the relevant parish or town council.

If you have any questions, please let me know.'

AIM : To assess the impact of the amendment and decide how to respond by 30th November 2021.

The following footpaths are affected in Corby:

- UB10
- **Type:** Footpath
- **From:** Dovedale Road, Corby, between houses No. 40 and 42
- **To:** E. to Hazelwood Road, Corby, at its junction with Lodge Green Road

- **Route Code:** UB11
- **Type:** Footpath
- **From:** Clydesdale Road, Corby, between houses No. 25 and 27
- **To:** S.E. for 46m

- **Route Code:** UB13
- **Type:** Footpath
- **From:** South end of Wheatley Avenue, Corby
- **To:** S. to N. end of East Avenue

- **Route Code:** UB17
- **Type:** Footpath
- **From:** Junction with GT13 at Newton parish bdy adjacent to W. bdy of Oakley Purlieus
- **To:** N.E. via Bandy Slade Wood to St. Luke's Road

- **Route Code:** UB18
- **Type:** Footpath
- **From:** Chestnut Avenue, Corby, between houses No. 20 and 22
- **To:** S. to Welland Vale Road between houses No. 52 and 54

- **Route Code:** UB19
- **Type:** Footpath
- **From:** S. end of Kingsley Drive, Corby
- **To:** S. to Rowlett Road between houses No. 210 and 212

- **Route Code:** UB36
- **Type:** Footpath
- **From:** Stuart Road 40m W. of junction with Wheatley Avenue
- **To:** S. to Cupar Crescent

- **Route Code:** UB4
- **Type:** Footpath
- **From:** High Street, Corby, opposite The Jamb (B6481)
- **To:** S. to South Road opposite Southall Road

- **Route Code:** UB8
- **Type:** Footpath
- **From:** Wharfedale Road, Corby, between houses No. 24 and 26
- **To:** S.E. to Rowlett Road via playground between houses No. 4 and 6

- **Route Code:** UB28
- **Type:** Footpath
- **From:** A6003, the West of Corby Bypass, S. of Harper's Brook
- **To:** E. alongside Harper's Brook to Oakley Road, A6014, thence E. to Oakley village at estate road, Field Cott's S. of Bridge Farm

RECOMMENDATION : To request that footpaths UB10, UB11, UB13, UB18, UB19, UB36, UB4, UB8, UB28 be made subject to a permanent Traffic Regulation Order (TRO) on their path, which limits the legal use to pedestrians only due to the nature of the use of these paths.

Route UB17 is now a road and therefore this route is unaffected by the order.

