

LAF meeting – Thursday 6 November 2008.

Item 7. Definitive Map update – Coventry by John Hall, Rights of Way Officer, Coventry City Council.

In September 1947 the report of the Committee on Footpaths and Access to the Countryside (the 'Hobhouse Committee') was published. It recommended that all public rights of way should be surveyed and recorded on maps.

This recommendation was put into effect with the enactment of the National Parks and Access to the Countryside Act 1949. Under these provisions all county councils were given the duty of surveying and mapping all public rights of way in their area, classifying them as footpaths, bridleways or roads used as public paths. The 1949 Act did not extend to the former County Boroughs although their councils were 'empowered' to adopt its provisions if they wished. Thus, Warwickshire County Council produced a definitive map but Coventry, being a County Borough, did not.

The map shows the route of the public right of way and is accompanied by a statement which confirms the status of the route, its position, and possibly its width, and information about any limitations or conditions affecting the public right of way. The map and statement should therefore be consulted together.

County boroughs were abolished by the Local Government Act 1972 and their areas absorbed into counties, thereby making the new county councils the surveying authorities for those areas. Coventry became part of the West Midlands County Council, and the Act also reorganised many county boundaries. The new councils were given the same powers as the former authorities, i.e. the survey was optional, and the West Midlands County Council chose not exercise its option to produce a definitive map.

Under the reorganisation, the parishes of Allesley and Keresley, formerly part of Meriden Rural District, were transferred to Coventry and so the City council 'inherited' the definitive map and statement for these parishes from Warwickshire County Council. These contain 36 prows prefixed with 'M' (for Meriden).

The Wildlife and Countryside Act 1981 extended the coverage of the compulsory survey to the whole of England and Wales, except Inner London and the Isles of Scilly. The Act came into force on 28th February 1983, and at this date Coventry was one of many former County boroughs where no work had begun, but which now had a duty to produce a definitive map and statement.

A definitive map and statement can begin as an Ordnance Survey plan with no prows on, to which prows are added by modification orders (they modify the map and statement).

Coventry has produced a 'City of Coventry (Former County Borough Area) Definitive Map and Statement of Public Rights of Way'. This comprises four OS map sheets at 1:10,000 scale. The statement contains paths numbered plainly 1-214 (no prefix).

Sixty routes were added to the map and statement by 'The City of Coventry (Footpaths 1 to 60) Modification Order 2001' and are depicted on the map. It also contains plans of each relevant path in the Order.

The next development of the DMS comprises the 'City of Coventry (Footpaths 61A to 214) Modification Order 2003'. These paths are in the statement mentioned above but have not yet been added to the map. However, plans pertaining to each are included in the Order.

Similarly, 'The Footpath 215 (Coventry) Modification Order 2003' and 'The Footpaths 216 and 216A (Coventry) Modification Order 2004' are not shown on the map but have plans attached to the Orders and are kept with the DMS.

This comprises the present extent of the definitive map and statement for Coventry and contains details of 252 prows.

A consultant, has previously produced a 'Coventry working consolidated definitive map' which brings together all of the legally recognised prows within the former county borough area plus those inherited from the Allesley, Keresley, Rugby and Bedworth areas previously in Warwickshire. This map contains 301 prows.

CROW Act allows for a consolidated DMS but the consolidation process can only take place once all outstanding legal event modification orders (LEMOs) have been made. This is because the map and statement must be accurate on the date they are produced (the relevant date) so if legal changes to paths have taken place, these must be shown on the map and statement. Coventry currently has a long list of confirmed public path orders (diversions, extinguishments and creations) for which LEMOs have not been made. Current estimates are 150+ public path orders in this state.

I have been trying to identify these PPOs so that I can work with Legal Services to produce LEMOs for them and update the Former County Borough Map and Statement. The requirements are to verify that these PPOs have been confirmed, come into operation and been sealed and then to make LEMOs to give effect to the DMS. This work is painstaking and time consuming. It requires liaison with Legal services and City Secretaries departments and would not be possible without the valuable assistance of the Ramblers' Association, which has copies of orders now lost within the Council.

We have received 108 applications for DMMOs from the RA (claims for new paths to be added to the DMS). The priority list for dealing with DMMO claims is contained in the ROWIP and has been adopted with that Plan.

Making an Order is not a huge task, the time consuming task is the determination of whether an application has been duly made and whether the tests for the application are met. We are required to consult with any person having a legal interest in the land over which a claimed route passes, and weigh the evidence before determining the application.

The next stage is to report to committee seeking authority to make the Order, following which a consultation period allows for objections to be made. If no objections are made, or any so made are subsequently withdrawn, the authority may confirm the Order itself. If objections are not withdrawn, the authority must submit the case to the S-O-S for the Environment who will instruct the Planning Inspectorate to appoint an Inspector to determine the Order at a public inquiry. The PI may take 18 months to 2 years to produce a public inquiry.

There is no reason why Orders cannot run concurrently so that if some stumble into the Inquiry procedure, others go on to completion. It is now possible to make the confirmation and LEMO orders concurrently so that the path is put straight onto the DMS.

The consultant mentioned earlier also conducted varied research into an assortment of other routes which needs to be sorted and checked. There are also many other routes that may make it on to the DMS apart from those mentioned above. These routes need to be 'fleshed out' and this process is not helped by the lack of proper record keeping and filing. A first stage is to put everything that is either proven, or may possibly be proven, onto a 'composite map' so that I have an idea of the size of the task. Current estimates are a possible total of around 800 proven which may make it onto Coventry's definitive map.