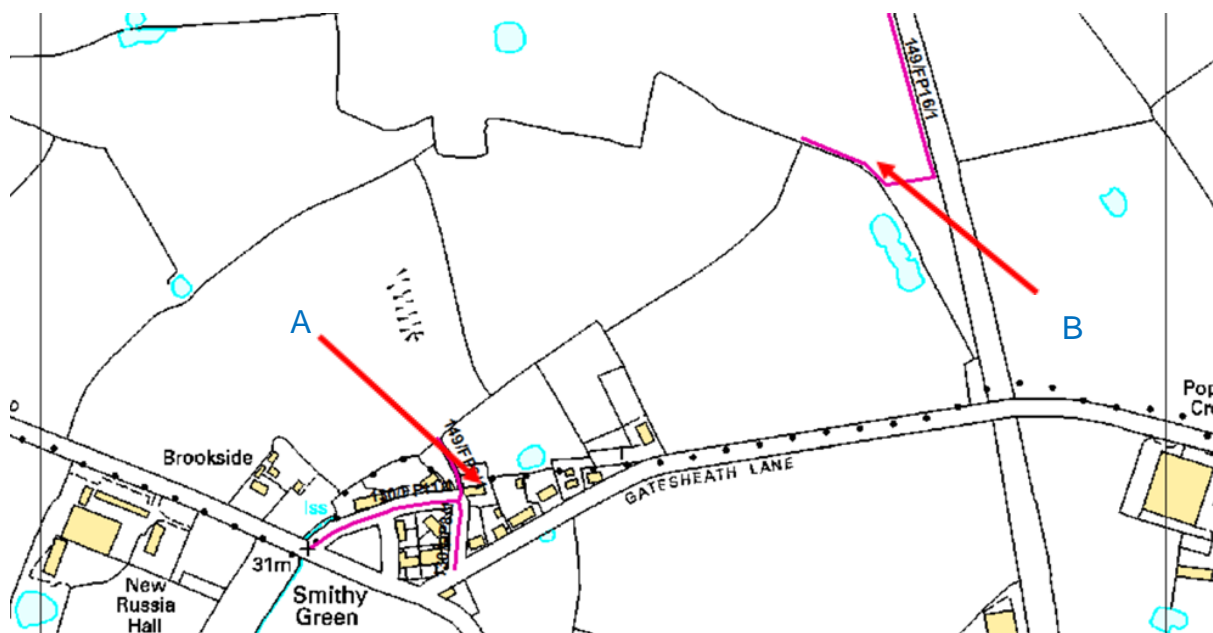


Item 11- Public Rights of Way Gatesheath

According to the Council's records there is a gap in the legal line of the Public Right of Way (PROW) as its shown on the Definitive Map of PROW. The Definitive Map is a legal record and is conclusive evidence of the existence, status and location of the routes shown up it. Unless a route is formally recorded upon the Definitive Map, then the Council (being the relevant Highway Authority) has no power to assert and protect the public's use over it. As you can see from the map below (a modern, digitised impression of the Definitive Map) there is a gap in between the two recorded Public Footpaths (shown as solid pink lines). On this basis there is no recorded PROW in between points A and B below. This does not necessarily mean that public rights do not exist between these two points, but simply that those rights have yet to be claimed, determined and recorded upon the Definitive Map. Additional PROW can be claimed by the public if evidence can be supplied to prove continuous and uninterrupted used over a route for a minimum period of 20 years. Further information on the claim process can be obtained from my colleague Adele Mayer at publicrightsofwaywest@cheshirewestandchester.gov.uk



Further Information

There is an unrecorded link between recorded public rights of way. I have had a quick look on our records of objections to the Provisional Definitive Map. At this stage (in the late 1950-70's, only the landowner could object, and a number did and made agreements with the CCC to dedicate routes by agreement in order that paths on the map were deleted. On my quick look I could not find any relevant documents showing deletion of a few paths south of Hatton Hall which I am presuming should relate to a subsequent dedication of the current routes. Unfortunately, there is no one available to look into this matter further and

take it forward, the available resources are focussed on other priorities. There are a few options for the parish council to pursue.

If the Parish council know the landowner affected, it is possible for the Parish Council to enter into an agreement with the landowner to create a public footpath. Your power sits with section 30 of the Highways Act 1980. A few other parish councils have achieved an agreement under this process so there are examples. The landowner would need to be in agreement, which is where the option may fail.

If not, under current regulations I will only record this as an anomaly and gap in the evidence. I don't think there will be any documentary records, other than finding the correspondence in the objection's files. This isn't a current priority and at the moment I do not know when this could be dealt with as an internal investigation.

The third option is for the parish council to make a Schedule 14 application of the Wildlife and Countryside act 1981 to have a public right of way recorded based on evidence of user. I have attached the application forms in the event that the parish council desires to proceed.