

WARRINGTON RIGHTS OF WAY FORUM

Minutes of the Meeting held on Wednesday 14 January 2009

At Village Hall, Lymm, at 10.00am

Present:

Graham Dutton
John Thorp
Brian Naylor
Alan Bailey
John Read
Roger Lamming
Ken Arnett
Helen Dutton
Peter Waite (Chair)
Geoff Hill
Brian Dutton
Keith Doughty
John Watkin

Representing:

Warrington Borough Council
Warrington Borough Council
Peak & Northern Footpath Society
Rixton & Glazebrook PC
Footpath Warden Lymm PC
Footpath Sec. (Warrington) Ramblers Assoc.
Appleton PC
Stockton Heath PC
Mid Cheshire Footpath Society
Culcheth & Glazebury PC
Croft PC
Ramblers Assoc.
R.A. area secretary

Action

1. Introductions

JT explained that there would be a short meeting to allow time for a walk visiting the the memorial seat erected in memory of Alan Ball the former Lymm parish footpath warden and member of the Forum. In Cllr Dirir's absence Peter Waite volunteered to chair the meeting.

2. Apologies

Cllr Linda Dirir, Ray & Diane Hall

3. Minutes of Meeting held on 8/10/2008

These were agreed as a true record.

4. Matters Arising

JT advised that there was an in principle agreement with the diocese for the widening of the entrance to the footpath next to the telephone box to give a one metre width. This will be formalised in a footpath creation agreement. The tree to the rear of the phone box will be removed. Fence encroachment to the rear of the adjacent house was being investigated.

JT

PW asked about Elizabeth Park. JT said legal access along Gigg Lane would need to be secured before the trial involving a compulsory

creation order. He is concerned about deadlines.

BD raised the issue of Biffa and its restoration plan. JT explained that Biffa had lost their appeal for an eastern extension and had been granted planning permission to complete the landfill on its current site. Completion date is 19/10/2010 after which there is a 12 month period for restoration. The restoration plan was approved with the northern extension of the landfill a few years ago. The new planning permission requires the Council's approval of materials and alignment of paths. The Croft PC needs to take up the matter with the Planning Dept. if they have issues.

PW asked about the objection to the right of way claim for a footpath at Gullivers World. JT advised an objection was received on the last day of the notice period.

PW asked about the order to add a footpath at Whitesands Road to the definitive map. JT said the order would be confirmed in the near future.

PW raised the issue of evidence for a right of way claim for a footpath running along the Ship Canal from Morley Road. He himself had walked it from 1967 to 1969 and knew of an old man who had walked it over the years. JT explained the process and advised that about six good witnesses would be needed to show it was openly in use by the public in the qualifying twenty year period.

5. General Update

A general update document had been sent out to the Forum members on which there was discussion.

JT explained the issue of the rights of way claims for link roads and footpath between River Road and Wilderspool Causeway, Latchford. The application came in after the affects of the Natural Environment and Rural Communities (NERC) Act 2006 had come into force which has the effect of removing motor vehicle rights from roads which are not maintainable at public expense so the recommendation is to record the two roads claimed as byways open to all traffic to the definitive map as restricted byways. JT did a traffic count to establish balance of user, pedestrian/motor vehicle which was very close. If motor vehicle use was greater in the period 2001-2005 motor vehicle rights are retained. This, however, can't be shown as there is no traffic count for that period. The claim for a footpath is recommended for refusal due to there being only one witness.

The loss of motor vehicle rights over the link roads is not in the public interest and not the intention of the legislation which is aimed at green lanes in the countryside. The report to the Traffic Committee will recommend letters being sent to Defra and the DfT to raise their awareness to the unintended effect of the NERC Act.

Action

JT said there was an application for a diversion of part of Culcheth and Glazebury footpath no.143. Comments had been received from the parish council and Peak and Northern f.p. Society reps asking for the historical width to be recognised. The applicant has agreed to provide 3 metres width in response.

GH asked about the new school at Culcheth. JT said he was not happy that the alternative route had not been provided yet. He would be contacting the people concerned to progress this.

JT

JT explained that he would be returning to the Traffic committee in respect of the application to record a footpath running along a green lane immediately north of Culcheth high School. This was because evidence from the tenant had become available. The recommendation was still to make an order.

RL asked about Croft footpath no.13 which was still flooding. Now that the issue of the eastern extension of the Biffa site had been resolved JT will press Biffa to cure the problem.

JT

JT said he was very close to producing copies of the definitive map and statement. There was a problem with the numbering in the statement but this would not stop progress. He intended to provide every parish with a copy of the map and statement. He expected eventually it would be available online.

JW asked if copies could be bought. JT said he doesn't want to provide excessive amounts. Some thought will be given to this before the next meeting.

JT

PW thought producing a pdf of the map would be the best option.

KA raised the issue of the notices and fences that English Partnerships had raised on their land in Appleton.

15. Any other urgent business

JR raised the issue of cycling representation on the Forum. After some discussion it was agreed that the Forum needed a cycling rep to represent the users of 'greenway' type routes.

16. Date of next meeting

To be arranged

Post meeting note – meeting room booked 8 April 2009

