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Mrs J Mabon
Footpath Sec. Ramblers Trafford
Group

Your Ref:
Our Ref: FPS/Q4245/14D/1
Date: 9 January 2017

Dear Madam

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION S14

Trafford Borough Council

Addition of a footpath from Timperley Metro Station - Gate from canalside path onto platform
- to southern end of Footpath Sale 19 on canal offside

1. I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to your application on 18 October 2016 for a direction to be given to Trafford Council ("the Council") under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981 ("the Act"). The direction you have sought would require the Council to determine your application for an order, under section 53(5) of the Act, to modify the Council's Definitive Map and Statement of public rights of way for the area so as to add a footpath from Timperley Metro Station gate from canalside path onto platform to the southern end of Footpath Sale 19 ("FP 19") on the canal offside.
2. The Council was consulted about your request for a direction on 10 November 2016 as required by the Act. The Council's formal response was received on 19 December 2016.
3. The Secretary of State takes a number of issues into account in considering how to respond to such requests and whether she should direct an authority to determine an application for an order within a specific period. These issues include any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date; the reasonableness of such priorities; any actions that the authority has taken or expressed intentions to take or further action on the application in question; the circumstances of the case; and any views expressed by the applicant.

Your case

4. You made an application to record a public footpath on 5 May 2015. You received no reply to queries made on 20 May 2016 and 27 May 2016 regarding the progress of the application. You have received no reply from the Council regarding their order of priorities for considering Definitive Map Modification applications, although aware of

two open claims on the Claims Register as at 9 May 2016.

5. You believe the claimed footpath to be of strategic importance, as it would provide a route between two rail stations (Brooklands and Timperley) and the two main roads which cross the Bridgewater canal ("the canal") and rail line at these stations. The route would serve a large residential area to the east of the canal. The tow path on the opposite side of the canal is open to cyclists as a commuter route to Manchester and you believe it to be a hazard for walkers, such that a traffic free alternative, provided by the claimed route, would be greatly appreciated.
6. The claimed footpath is not complex. It runs parallel to the canal and railway line. The existing right of way to the north, FP19, terminates at a stream, marking the former boundary between Lancashire and Cheshire. The claimed footpath is an obvious extension of the existing FP19 and has all the same characteristics.
7. The Council have, relatively recently, created a right of way beside the canal. An order was made in 1996 to add Altrincham Footpath 33 to the Definitive Map and so the principle of creating canalside rights of way is established.
8. There are no special circumstances that were not set out in your original application for a direction.

The Council's Case

9. Following completion of a diversion application in summer 2016, this application is under consideration. The user evidence has been assessed and work to obtain statements from them is ongoing. The Council are in communication with the landowners seeking evidence of use and an indication of their support for the making of the order. A meeting with the major landowner was expected to occur on 20 December 2016¹.
10. The landowners operate either the canal or the Metro system (public light railway) and are concerned about the effect of a public right of way on the operation and maintenance of their asset. Both landowners have sought a limitation on public use, similar to that in use since the 1950s on the nearby canal towpath. This has complicated communications but you, as the applicant on behalf of the Ramblers, have recently confirmed your satisfaction as to the proposed wording. The Council hope this will help to speed the landowners' response to them.
11. The Council do not have a separate Statement of Priorities in relation to such applications. Priorities within the Rights of Way Improvement Plan ("ROWIP"), Statement of Action, March 2009, set out key focus points but no specific action relating to Schedule 14 applications.
12. The Council letter to you, dated 8 November 2016, referred to the concerns about the condition of the claimed path and close proximity to the canal bank. A priority within the ROWIP is to improve public safety in areas where it can be substantially improved. The meeting with landowners is to seek improvements to allow safer public access away from the canal edge. The Council seek additional time to allow negotiation on this matter and have asked for a six month period to complete such negotiations.

¹ After the Council response was submitted

Consideration

13. It is noted that you made your application for a direction as you had received no reply to your enquiries into the progress of your application to record the footpath. The subsequent Council letter to you, dated 8 November 2016, updates you on the progress of your claim and refers to the matters of concern to the Council and the landowners. It is understood from the Council that you have been actively involved in their progression of communications, confirming satisfaction with some wording proposed in relation to a limitation on public use.
14. It is noted that the Council have no statement of priorities for bringing and keeping the definitive map up to date. The Council have already taken action to progress the claim and have stated their intention to continue with that process.
15. Taking account that the application is now being actively considered by the Council, the Secretary of State does not consider that there is any need to formally direct the Council to determine the matter at this time. It should be noted that the decision not to direct the Council at present does not prevent a further application for a direction being made, which would take account of the situation at that time.

Decision

16. In the circumstances, the Secretary of State has decided not to issue a direction to the Council.
17. A copy of this letter is being sent to the Council.

Yours faithfully

Heidi Cruickshank

Authorised by the Secretary of State for Environment, Food and Rural Affairs to sign in that behalf

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