

Byways & Bridleways Trust

Press Release

Defining the boundaries.

A timely objection by the Byways & Bridleways Trust gets a restricted byway in Essex properly recorded, and thereby future-proofed against encroachment and obstruction.

Back in 2006, the Byways & Bridleways Trust initiated a push to get the width of public rights of way properly recorded in definitive map modification orders, and in diversion orders. It was a long and hard process, opposed by many highway authorities, and resisted by some Planning Inspectors, but by February 2007 the Secretary of State had issued excellent guidance on the matter: 'Advice Note 16 :Widths on Orders', together with a set of non-statutory guidance to fill in the details. These papers are available on the Planning Inspectorate's website, on the 'Rights of Way' pages.

Some authorities have simply ignored this government guidance (although it was sent directly to every order-making authority in England on 12 February 2007) and continue to make orders with the width of the routes not properly recorded.

One such was an order made by Essex County Council on 19 March 2009, to upgrade a footpath to a restricted byway, at Little Canfield, Uttlesford. The Trust welcomes such orders, but this one described the width of the byway as 'varies between 5 and 12 metres.' The Trust objected to the order on this important detail, pointing out that Advice Note 16 advises how such a variable width can be specified in sufficient detail to afford good protection against encroachment, or obstruction, in the future.

In her decision letter dated 20 January 2010, the Secretary of State's Independent Inspector, Mrs Sue Arnott, agrees with the Trust and modifies the order to read, "the width of the way more particularly delineated on the order plan varies between 5 and 12 metres."

That may seem like a small detail, and in most cases an insufficiently specified width will never matter. But where problems do arise – and they do – knowing just how wide a route is, and where, can be crucial to getting it sorted out and returned to the public's use.

The Trust asks all order-making authorities to take extra care with specifying route widths in orders. Not only does this prevent grief later, but it saves a great deal of money in re-making, or modifying, incorrect orders.

[Decision letter Z1585/7/45 of 20 January 2010]