

STOCKPORT METROPOLITAN BOROUGH COUNCIL

LOCAL ACCESS FORUM 15 MARCH 2021

REPORT REGARDING THE CONSOLIDATION OF THE DEFINITIVE MAP AND STATEMENT FOR STOCKPORT

1. INTRODUCTION

1.1 The Definitive Map and Statement for Stockport is the conclusive legal record of the existence, status and location of all recorded public rights of way in Stockport at the relevant date of the map and statement. The Council is the surveying authority for the purposes of the map and statement and at its last meeting the Local Access Forum requested a report concerning the consolidation of the Definitive Map and Statement for Stockport, so the aim of this report is to give information on the action already taken, and to be taken in the future, to consolidate the map and statement.

2. STATUTORY PROVISIONS

2.1 Each definitive map and statement has a ‘relevant date’. This means that the map provides evidence that public rights existed at that date. Any changes to the map as a consequence, for example, of claims that routes existed which are not shown on the map, need to be the subject of modification orders, along with any changes as a consequence of orders such as diversion, extinguishment and creation orders under legislation such as the Highways Act and Town and Country Planning Act which have had to be the subject of “legal event” modification orders to enable those changes to be added. The map and statement must be made available for public inspection, along with any modification orders made since the relevant date.

2.2 Prior to the Wildlife and Countryside Act 1981, surveying authorities had to carry out periodic reviews of their definitive maps and statements. Under sections 53 and 57(5) of the Wildlife and Countryside Act 1981 the Council, as surveying authority, has a statutory duty to keep the map and statement under continuous review, and maintain and update the definitive map and statement, and to make them, and any orders effecting change to it available for inspection by the public.

2.3 The provision allowing consolidation of definitive maps and statements was introduced as section 57A into the Wildlife and Countryside Act 1981 by the Countryside and Rights of Way Act 2000 to enable surveying authorities to deal with the abundance of information which had changed the network of minor highways and needed to be recorded on the definitive map and statement, such as modification orders and boundary changes, by consolidating that information into an updated map and statement which would then bear a new relevant date.

3. COUNCIL’S POSITION

3.1 The Definitive Map and Statement consists of 14 pages at 1:10000 scale.

3.2 Consolidations can be done from time to time but the first one following the enabling legislation could not be undertaken without all Roads Used as Public Paths (RUPPs) having been reclassified and a map being produced for any excluded area. The Council had reclassified all of its RUPPs in the 1990s but had excluded the Town Centre area from the original survey in the 1950s (as it had been entitled to do) but could not consolidate its map and statement prior to production of a definitive map of the town centre, which was sealed on 3 February 2011.

3.3 The Council then carried out a consolidation of the map and statement and the relevant date for the consolidated Definitive Map and Statement for Stockport is 14 August 2014. Surveying authorities are required to keep, and make available to the public, copies of all maps which are superseded by consolidated map.

3.4 As a rule, consolidation occurs infrequently. Since the Combined Orders legislation any changes made by legal orders altering a route can now be incorporated into consolidated versions of a definitive map and statement without the need for legal event modification orders, but a definitive map and statement will not be consolidated after each and every change, so there will still be a need to consolidate information and produce a consolidated map and statement.

4. CONCLUSION

4.1 The Council is currently collating information with a view to consolidating the Definitive Map and Statement for Stockport in the next 2-3 years and thereafter as necessary, dependent upon the additional amount of information needing to be recorded on it.