

A NOTE CONCERNING THE PREPARATION AND PUBLICATION OF THE DEFINITIVE MAP

1. The National Parks and Access to the Countryside Act 1949 required the County Councils, as surveying authorities, to prepare and publish definitive maps of public rights of way, which would record and show all public rights of way in existence at a particular date – the relevant date of the map.
2. In addition the 1949 Act required the County Council to produce a statement to accompany the map which would contain particulars of each of the paths recorded on the map. In Lancashire's case the particulars which were recorded are generally limited to a description of the status of the path, its commencement and termination points and its length in miles.
3. In order to ensure that the definitive map contained as complete and accurate information as possible the surveying authority was required to consult with district and parish councils as to the arrangements for the provision of information.
4. In practice an initial survey of rights of way was carried out by the parish council in those areas formerly comprising a rural district council area and by an urban district or municipal borough council in their respective areas.
5. In each case the local council was asked to carry out a survey of all the public rights of ways which were believed to be in existence at the relevant date of the map and to record the information on a 6" to 1 mile scale ordnance survey map. In addition a schedule of written description of each route was to be prepared.
6. Two factors concerning this initial survey should be noted:
 - i. The guidance issued to the council carrying out the initial survey required the council to record all routes which were believed to be public, irrespective of whether the route might be obstructed or be in an unsuitable condition for use at that particular time. The fact that an obstruction might be preventing public use of the route at that time was to be ignored if the council had reasonable grounds for believing the route to be public. This means that a number of routes, recorded as public rights of way, have written descriptions that refer to blockages, poor or unsuitable surface condition or to lack of public use for period of time preceding the carrying out of the survey.
 - ii. In addition, the parish council was obliged to call a parish meeting for the purpose of considering the information to be provided.
7. In Lancashire this initial survey was carried out in the period between 1950 and the end of 1952; the relevant date for the definitive map having being fixed at 1st January 1953.
8. Following the completion of the survey, the maps, schedules and written descriptions were submitted to the County Council. In the case of the municipal boroughs and urban districts the map and schedule produced, which covered the entire administrative area of the particular council concerned, was used, without any alteration or change, as the Draft Map and Statement of Public Rights of Way. However, in the case of the parish councils' survey maps the, the information contained therein was reproduced, by the County Council, on composite maps covering the whole of a rural district council area. This composite map, together with a statement drawn-up using the information contained in the written descriptions submitted by the parishes, was used as the Draft Map and Statement of Public Rights of Way.

- 9 In Lancashire the various maps comprising the Draft Map were published on 1st January 1955, and were placed on deposit for a minimum period of 4 months. During this period any person could inspect the map and statement and make representations about what was, or was not, shown on it.
- 10 All objections or representations made were formally considered by the County Council and decisions were taken whether to accept or reject the objection or representation. This process, which included the right to appeal against the Council's determination, took a number of years to complete and resulted in the Provisional Map of Public Rights of Way being published on 25th March 1960. This map and statement, bearing the same relevant date as the draft map, contains all the agreed modifications as determined during the draft map stage.
- 11 The Provisional Map and Statement were placed on deposit and owners, lessees or occupiers of any land over which the map showed a public path were able to apply to Quarter Sessions for a declaration that some particular shown on the map or statement was incorrect. At this state the public had no right to make representation or objection.
- 12 When all applications to Quarter Sessions had been determined then the County Council published the Definitive Maps and Statement Public Rights of Way. The Definitive Map was published on 1st June 1962 and contained all the modifications resulting from declaration made during the provisional stage. The relevant date of the map remains as before, 1st January 1953.
- 13 Following publication of the Definitive Map, a six week period was allowed during which applications could be made to the High Court, but only on the grounds that the map was not within the power of the Act, or that the Act or regulations were not complied with.
- 14 Within Lancashire this map is now referred to as the original Definitive Map.
- 15 The 1949 Act also required the surveying authority, once its Definitive Map was published, to periodically review it. The intention of the review was to keep the Definitive Map up to date, by adding new public rights of way, or ones omitted from the previous map, and by deleting paths which had been closed under a confirmed statutory order.
- 16 A similar procedure to that involved in the preparation of the original definitive map was adopted, involving the seeking of information from parish, rural district, urban district and municipal borough councils.
- 17 The review of the Definitive Map was carried out in three stages, as previously involving the publication of a Revised Draft Map, a revised Provisional Map and a Definitive Map. A new relevant date was set for this revised map establishing the date of the review. In Lancashire the relevant date of the first review Definitive maps is 1st September 1966.
- 18 As relatively new changes to the original definitive map had occurred in the period from 1st January 1953 to the 1st September 1966 a copy of the original maps, amended to show these changes, was published and the Draft Revised Map (First Review) on 1st June 1967. As before, any person could inspect the revised map and statement and make representations or objections.
- 19 Following determination of objections or representations made at the first review draft map stage a PROVISIONAL REVISED MAP (FIRST REVIEW) was published on 6th April 1973 allowing opportunity for landowners, tenants or lessees to make application to the Crown Court (replacing Quarter Sessions) for declarations concerning routes shown on the map.

- 20 On the 25th April 1975 (except in small areas of the County a REVISED DEFINITIVE MAP OF PUBLIC RIGHTS OF WAYS (FIRST REVIEW) was published, and as before, a right of application to the High Court was allowed. This map with a relevant date of 1st September 1966, is the current Definitive Map.
- 21 No further reviews of the Definitive Map have been carried out. However, since the coming into operation of the Wildlife and Countryside Act 1981, the Definitive Map has been subject to a continuous review procedure.

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