1. Introduction

This report sets out the context for the delivery of the part of Policy BFP INF 6 Creating an Accessible Forest Park relating to Key Walking Routes, Cycling and Bridleway Networks.

Figure 1: Indicative Cycle Network Illustrated in Figure 16 of the Area Action Plan
Figure 2: Indicative Bridleway Network identified in Figure 17 of the Area Action Plan.

Figure 3: Key Walking Routes identified in Figure 15 of the Area Action Plan.
2. Context

2.1 Rather than actually creating Rights of Way, the AAP sets out an indicative network of walking, cycling and bridleway routes in the AAP which would best fulfil the objective of the plan. Public Rights of Way creation is carried out under legislation set out in the Highways Act 1980.

2.2 Definitions:

(i) **Bridleway**: A bridleway is a way over which the public have rights of way on foot, bicycle and on horseback, or when leading horses. Some bridleways include a right to drive other types of animal along the way. A cyclist must give way to a pedestrian and anyone on horseback.

(ii) **Footpath**: A footpath is a way over which the public has a right of way on foot only.

(iii) **Cycle track**: A cycle track is a way over which the public have a right of use with a pedal cycle, with or without a right of way on foot. The power to construct a cycle track is given to all highway authorities under the Highways Act 1980. The Cycle Tracks Act 1984 and associated Regulations give powers to the highway authority to convert public footpaths into cycle tracks where the use is either shared or segregated. A bridleway can be created, in certain circumstances, over an existing route of a footpath to provide for cycle use.

(iv) **Permissive path**: It is possible for landowners to allow access over their land without dedicating a right of way. These accesses are called permissive paths. To the user they are often indistinguishable from normal highways, but there are some important differences.

  - A permissive path must have some sign or similar indication that it is not intended to be a right of way.

  - The landowner can close off or divert the path if they wish to do so, without any legal process being involved.

  - The landowner can make restrictions which would not normally apply to highways, for example to allow horse riding but not cycling, or the other way around.
2.3 Policy Drivers

(i) The Adopted St Helens Local Plan Core Strategy Policy CAS5 sets out the aims and objectives for Bold Forest Park including the following which relate directly to the development of the networks of bridleways and cycleways and footpath improvement in Bold Forest Park.

- BFP2: Create opportunities for tourism and leisure related business, supported by the natural economy;
- BFP3 Create an easily understood and accessible network of linked open spaces within Bold Forest Park and the surrounding area;

(ii) St Helens Local Unitary Development Retained Policy RECS Adopted in 1998 states that “The Council will promote a network of strategic footpaths and cycleways shown on the Proposals Map (Figure 2). The Policy also recognises a shortage of bridleway routes and states that consideration will be given to this use where the network could link new woodland sites and other opportunities for new bridleway creation.”

Figure 4: UDP Policy RECS Strategic Routes within Bold Forest Park
2.4 Demand

(i) The Forest Park area is already regularly used by cyclists for both organised and casual use, including by members of the Woolyback Mountain Bike Club. This demand is illustrated by the Strava heat map\(^1\) for cycling in the area.

**Figure 5 Strava Heat Map**

(ii) There is a strong case for developing a bridleway network which seeks to link equestrian centres into the Forest Park.

(ii) Consultation undertaken by Groundwork in 2004\(^2\) indicated that most livery yard businesses in the area were constrained by the lack of safe routes to ride out. The development of a safe bridleway network was strongly supported by riders/customers of the local equestrian yards with 94% of respondents stating that the routes in the area were inadequate and 99% supporting the development of a safe usable network on and around the open spaces included in Bold Forest Park area.

(iii) Since 2004, some progress has been made in developing a coherent network. Permissive bridleways and cycleways on Sutton Manor woodland, Wheatacre Wood, Colliers Moss South and Maypole have been established to a degree and the former mineral railway line has recently been developed into a multi-use greenway creating a link between north

\(^1\) http://labs.strava.com/heatmap/#6/-120.90000/38.36000/blue/bike

\(^2\) Bridleway Feasibility Study for St Helens and Halton. Groundwork 2004
Widnes and St Helens. However, there is no coherent network which allows extensive off-road riding to be utilised by the local livery yards to any great degree.

(iv) The existing footpath network in the Forest Park area is important to link the area to the north of the M62 to the south and The Mersey Valley Golf Club Recreation Hub and the services provided at Bold Heath.

2.5 Land in Bold Forest Park owned by Project Partners

Within the Forest Park area, 327.8 hectares of land is publically accessible and owned by project partners, providing a major resource to supplement statutory bridleways with permissive routes.

Figure 3: Publically Accessible Open Space in Bold Forest Park

2.6 Current Rights of Way in Bold Forest Park area

In Bold Forest Park area there are 16.5 miles (26.7kms) of public right of way available for walking and 2.4 miles of statutory bridleway. This is complimented by 7.33 km of permissive bridleway.
2.6 Major Equestrian Yards in and Around the Forest Park

There are seven significant equestrian businesses in and around the Forest Park. To deliver Objective BFP 2 it is desirable to link these sites into the bridleway network as much as possible, enable them to provide safe riding opportunities and develop Bold Forest Park as a noted centre for equestrian based recreation.

Figure 5- Location of Key Equestrian Businesses
3.0 Deliverability

3.1 Delivery mechanisms

3.1.1 There are a number of methods by which routes can be created:

- **Creation Orders**
  
  Under Schedule 6 of the Highways Act 1980, the Local Highways Authority has the power to make a compulsory “public path creation order” where the Local Authority considers there to be a need for such a path in its area and that it is expedient for the path to be created having regard to:

  (a) The extent to which the path would add to the convenience or enjoyment of a substantial section of the public; or to be convenient of persons resident in the area, and

  (b) The effect which the creation of the path would have on the rights of persons interested in the land (account being taken of the rights to compensation) \(^3\)

- **Permissive access agreements**
  
  Access rights are negotiated with a land owner where closure (usually annual) negates the public’s statutory right of access.

- **Access Claims**
  
  Where the public has enjoyed a route uninterrupted for 20 years, a Right of Access can be claimed.

- **Planning Agreements** – Section 106 agreements linked to planning applications

3.1.2 The Council’s preferred approach to network development in Bold Forest Park is one of partnership with land owners and stakeholders such as the British Horse Society, the Woolyback Mountain Bike Club and local equestrian yards using the indicative route networks illustrated in the AAP as a starting point for discussions to develop a network of permissive routes and upgraded footpaths which seeks to minimise conflict of user. Detailed master planning of the networks will be essential to ensure conflict of use is minimised as there will be sections which may need to be multi-functional.

It is likely the cycle and bridleway networks will be predominantly made up of permissive routes to ensure landowners maintain control of their land and conflict of use within the network is minimised. The routes will be subject to risk assessments.

The key walking routes and secondary routes are already either on Public Rights of Way or cross public open space and will require minor improvements, signage and where appropriate, access controls. No significant change is envisaged.

\(^3\) Countryside Law Garner and Jones Third Edition 1997 Page 98
3.1.3 By taking a collective approach, mutual benefits could be achieved with grant applications to organisations such as Sport England, Heritage Lottery and Mersey Leader assisting with funding and land-based training helping in development and management of the network.

3.1.4 Of the 21.71km of Indicative Cycling Network illustrated in the Area Action Plan Figure 16, the vast majority (19.31km) is currently accessible to cyclists but in need of formalising through signage. A further 1 km is fully complete whilst a 1.4 km link to Warrington Borough along a privately owned lane is a long-term aspiration. The degree of change required to affect a functional cycleway network is minimal.

Figure 6 – Existing and Proposed Cycleway Network

3.1.5 The Indicative Bridleway network illustrated in Figure 17 of the Area Action Plan covers a distance of 28km. Of this, there is currently 11.07 km of existing bridleway made up of 3.74Km statutory and 11.07Km permissive routes. 16.93 Km would be sought through permissive agreements or as part of planning agreements if and when the opportunity may arise. There is a greater degree of change associated with the development of the bridleway network.
Figure 7 – Existing and Proposed Bridleway Network