

◆ Public Rights of Way

INTRODUCTION

1. Intermodal Logistics Park North Ltd. ('the Applicant') is promoting proposals for a new strategic rail freight interchange (SRFI) and associated development on land to the east of Newton-le-Willows, in the jurisdictions of St Helens, Wigan and Warrington Councils. An SRFI is a large multi-purpose freight interchange and distribution centre linked into both the rail and trunk road systems. SRFIs reduce the cost of moving freight by rail and encourage the transfer of freight from road to rail, thereby reducing carbon emissions and contributing to the UK's target to achieve net zero by 2050.
2. Under the Planning Act 2008, the proposals qualify as a Nationally Significant Infrastructure Project (NSIP). Accordingly, an application for a Development Consent Order (DCO) is to be made to the Planning Inspectorate (PINS), which will examine the DCO application on behalf of the Secretary of State (SoS) for Transport.
3. Before making a DCO application, an Environmental Impact Assessment (EIA) of the Proposed Development will be undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). EIA is a process that provides the decision maker with sufficient information about the likely environmental effects of a project and is used to improve the environmental design of a development proposal. The first stage of this process was the submission of a request for a formal scoping opinion under Regulation 10 of the EIA Regulations.
4. The Applicant submitted an EIA Scoping Report to the Planning Inspectorate in October 2024. This outlined the work undertaken to date and sought advice from the Inspectorate on the likely significant effects of the Proposed Development and the topics that needed to be assessed as part of the Environmental Impact Assessment (EIA). A Scoping Opinion was received in December 2024 and this will be used to inform the EIA process for the Proposed Development.
5. Members of the public have a right to access some land for walking or certain leisure activities. Users can: use public rights of way (PRoW), for example roads, restricted byways, paths or tracks that run through towns and the countryside including through private property; and use a right to roam to access Open Access Land (OAL) including mountains, moors, and common land that is registered.
6. There are four types of PRoW:
 - Footpaths, used by pedestrians;

- Bridleways, used by pedestrians, cyclists and horse riders;
 - Restricted byways, for any transport that does not have a motor; and
 - Byways open to all traffic, for any kind of transport, including cars (but these are mainly used by walkers, runners, cyclists, and horse riders).
7. The Definitive Map and Statement is the legal record of public rights of way in England and Wales. For the DCO Site and Study Area, these records are collated by St Helens Borough Council, Wigan Council and Warrington Borough Council. The maps indicate where the public have lawful access and the statements include historic routes and any changes to PRoW orders and routes that may have occurred. The Wildlife and Countryside Act 1981 (WCA Act 1981) describes the Definitive Map as conclusive evidence as to the existence and status of any right of way shown, whilst the Statement provides conclusive evidence as to the position and width, and limitations or conditions.
 8. This topic paper addresses all matters related to Public Rights of Way within the DCO application, including: relevant policy and legislation; approach to analysis of the baseline situation in and around the DCO Site; preliminary analysis of effects on the existing PRoW network due to the Proposed Development; and approach to development of a mitigation strategy, including creation of a PRoW strategy associated with the Proposed Development.
 9. It is likely that the DCO for the Proposed Development will provide powers to temporarily and permanently stop up or divert PRoW for the purpose of the construction of the Proposed Development and Axis has been appointed to co-ordinate the production of a Landscape Masterplan which will holistically consider all environmental mitigation, including a new public right of way network.
 10. This topic paper has been prepared jointly by Axis landscape architects and Hydrock transport consultants. Axis landscape architects have extensive experience in the environmental design of infrastructure projects across the UK, including the design and strategic planning of recreational facilities and access schemes that include footpath, bridleway and cycleway networks. Hydrock possesses extensive expertise in delivering comprehensive transport planning solutions for largescale logistics developments across the country and a proven track record dating back over 20 years in working with the local authorities of St Helens, Wigan, Warrington and National Highways.

RELEVANT LAW, POLICY AND GUIDANCE

Legislative Context

11. The DCO application will be determined pursuant to the Planning Act 2008 and relevant regulations, the National Networks National Policy Statement ('NPSNN', adopted 2024) and the National Planning Policy Framework (NPPF). Relevant local planning policy are material considerations.

Highways Act 1980

12. The Highways Act establishes relevant powers in respect of public rights of way, including the stopping up, diversion and creation of public rights of way.

Countryside and Rights of Way Act 2000 (CRoW Act)

13. The CRoW Act contains definition of specific types of highway (i.e. footpaths, bridleways, byways open to all traffic and restricted byways). It also gives a public right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered common land. These areas are known as 'open access land'. The Act improves the rights of way legislation by encouraging the creation of new routes and clarifying uncertainties about existing rights.

Planning Act 2008

14. Whilst the CRoW Act is applicable to the Proposed Development, the Planning Act 2008 provides the legislative powers to issue a DCO and may disapply or modify certain provisions of the CRoW Act.

Planning Policy**National Policy**

15. National-level planning policies for NSIPs are set out in a series of National Policy Statements (NPSs). The NPS of relevance to the Proposed Development is the National Networks NPS (NPSNN) which was last updated in March 2024. The NPSNN is the primary statement of policy for NSIPs on the road and rail networks and forms the basis for decisions by the Secretary of State.
16. The National Planning Policy Framework (NPPF), and the accompanying online Planning Practice Guidance (PPG) are also important and relevant but are not the key policy documents against which the application will be determined, however they may be material considerations to the extent that policies apply to the Proposed Development.
17. Relevant requirements of the NPSNN related to PRoW are summarised below.
18. Paragraph 5.193 states that:

'Applicants should endeavour to improve networks green infrastructure and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way.'

- Paragraph 5.198 states that:

'Public rights of way, National Trails, and other rights of access to land (for example, open access land) are important recreational facilities for pedestrians, wheelers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, public rights of way and open access land, and to consider what opportunities there may be to improve access and connectivity. In considering revisions to an existing right of way, consideration needs to be given to the use,

character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.'

- Paragraph 5.199 states that:

'Public rights of way can be extinguished under section 136 of the Planning Act if the Secretary of State is satisfied that an alternative has been or will be provided or is not required.'

- Paragraph 5.271 states that:

'Applicants should consult the relevant highway and transport authorities, local planning authority, and Network Rail, as appropriate, on the assessment of transport impacts. This should include having appropriate regard to policies outlined in existing or emerging local plans, Local Transport Plans, Local Cycling and Walking Infrastructure Plans and Rights of Way Improvement Plans where appropriate and applicants should set out agreement on alignment of development proposals to these policies and plans.'

National Guidance

19. The following document is relevant to the design of NSIPs and is being taken into account as part of the design process:

- Nationally Significant Infrastructure Projects: Advice on Good Design (PINS, 2024).

Local Policy

20. Local Planning Policy relevant to the PRoW is set out in the following documents:

- St. Helens Borough Local Plan up to 2037 (St Helens Borough Council, 2022).
- Wigan Local Plan: Core Strategy (Wigan Council, 2024).
- Places for Everyone Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan to 2039.
- Warrington Local Plan (Warrington Borough Council, 2023).

21. Relevant policies from the above documents are summarised below:

- St Helens Local Plan Policy LPA06 Transport and Travel states that the Council's strategic priorities for the transport network include good levels of accessibility, amongst other objectives. The following are some targeted actions which seek to achieve the objectives and are relevant to PRoW: a) secure the delivery of new or improved road, rail, walking, cycling, and / or bus infrastructure where required; and d) improve the accessibility to jobs, homes and services by all modes of transport and protect opportunities to achieve such improvements.

- St Helens Local Plan Policy LPA06 also states that new development will only be permitted where it would, amongst other factors: enable good levels of accessibility by walking and cycling between homes, jobs and services; and provide for safe and convenient pedestrian, cycle and vehicular access and movement to, from and within the development.
- St Helens Local Plan Policy LPA07 Greenways states that the council aims to protect and enhance the strategic network of greenways shown on the Policy Map.
- Wigan Local Plan Core Strategy Policy CP7 Accessibility considers a range of improvements to connectivity within Wigan, referencing the development of rail freight and the West Coast Mainline, while also aiming to develop and enhance on and off-road networks for walking and cycling, to connect local residents to employment and community facilities as well as for leisure purposes.
- Places for Everyone Policy JP-P7: Sport and Recreation includes an aim to protect and enhance the public right of way network, including to: improve access to, and connections between, different parts of the green infrastructure network across Greater Manchester and beyond; expand the network of strategic recreation routes; and provide options for green travel.
- Warrington Local Plan Policy INF1 Sustainable Travel and Transport states that the council's include: improving the safety and efficiency of the transport network; tackling congestion; reducing carbon emissions and improve air quality; promote sustainable transport options; reducing the need to travel by private car; and encouraging healthy lifestyles. To achieve this objective, the Council expect development to give priority to walking, cycling and public transport within the design.
- Warrington Local Plan Policy DC3 Green Infrastructure seeks to protect, enhance and extend the multifunctional network of green infrastructure to encourage, amongst other factors, active travel.

SITE DESCRIPTION

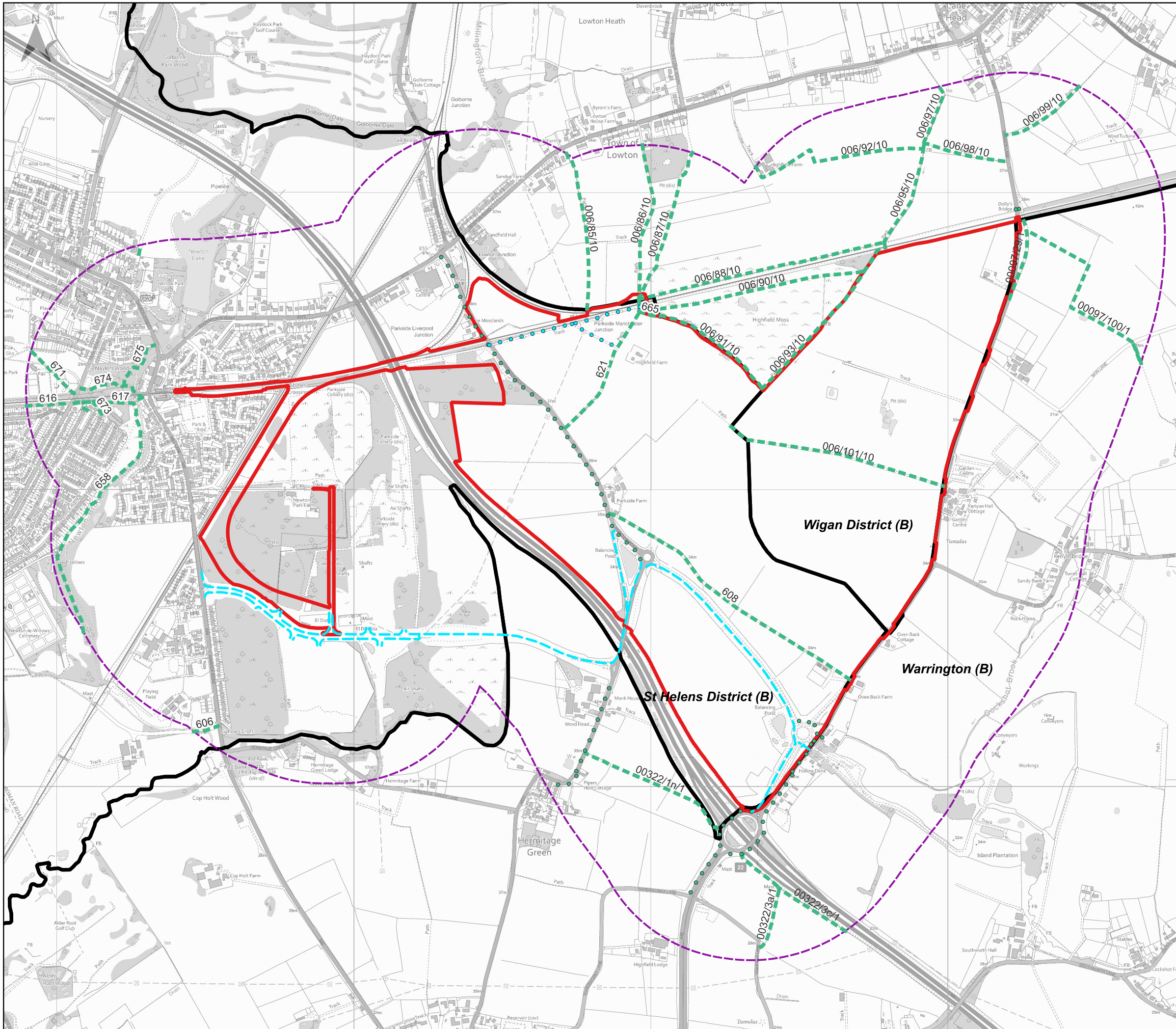
Site location

22. The DCO Site is located on the eastern extent of Newton-le-Willows in a flat, agricultural landscape. The DCO Site is located within the local authority areas of St Helens Borough Council, within the Liverpool City Region Combined Authority; Wigan Council, within the Greater Manchester Combined Authority; and Warrington Borough Council.
23. The DCO Site is split broadly in two sections:
 - the Main Site – land to the east of the M6 motorway, to the south of the Chat Moss Line and to the west of Winwick Lane incorporating the triangular parcel of land located to the west of Parkside Road and to the north of the Chat Moss Line;
 - the Western Rail Chord – land to the west of the M6 motorway, which bisects the DCO Site in a northwest southeast orientation, and to the east of the West Coast Mainline.

24. The majority of the land contained within the Main Site is bound to the north by the Chat Moss Line (Liverpool-Manchester railway line), to the west by the M6 motorway and to the southeast by Winwick Lane (A579). The Main Site south of the Chat Moss Line is approximately 198 hectares in size. The Highfield Moss Site of Special Scientific Interest (SSSI) is also adjacent to the north of the DCO Site, which is described in more detail below. A number of other uses exist at the Main Site currently, including:
- Kenyon Hall Airfield, which is a small airfield used by the Lancashire Aero Club for recreational flying of small propeller planes;
 - Warrington Model Flying Club, which is a model club for radio controlled model aircraft; and
 - Highfield Farm, which is comprised of two agricultural/residential buildings set within a curtilage surrounded by agricultural fields.
25. The majority of the Main Site is comprised of agricultural fields used for arable crops, with some small patches of woodland in the east. There are also a number of residential properties, farmsteads and a commercial yard within the Main Site. Parkside Road (A573) runs through the DCO Site to the south before passing over the M6 where it provides access to Parkside Link Road West.
26. The triangular parcel of land located to the north of the Chat Moss Line and to the east of Parkside Road also forms part of the Main Site.
27. The Western Rail Chord of the DCO Site is approximately 12 hectares in size and is bordered to the west by the West Coast Mainline railway, to the north by the Chat Moss Line and to the east by the Parkside West Development. The Western Rail Chord is comprised of safeguarded land for the rail-turn head to enable trains to be serviced to and from the North and the East.
28. The Western Rail Chord is comprised of scrub land and areas of woodland which are set within the context of an area of redevelopment with commercial uses proposed, which is known as Parkside West, and is currently being promoted through the Town and Country Planning Act process.

Baseline environment

29. Refer to Figure 1 which illustrates all PRow within the DCO Site and immediate surrounding area. No areas of Informal Open Space (IOS) are located within the DCO Site.

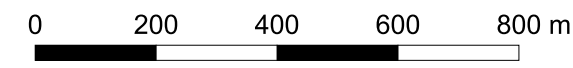


INTERMODAL LOGISTICS PARK (ILP) NORTH

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Key:

- Draft Order Limits
- 500m radius around Draft Order Limits
- Local Authority Boundary
- Public Rights of Way**
- Existing Public Footpath
- Existing Footpath (Part of Highway)
- Existing Footway/Cycleway
- Well worn path



Public Rights of Way Plan

APFP Regulation:	N/A
Document Ref:	N/A
Drawing Number:	Figure 1
Drawing Status:	INFORMAL CONSULTATION
Revision:	P04
Drawn by:	SK
Approved by:	JM

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30. The following are PRoW within the DCO Site, listed within each respective authority:
- St Helens Footpath 608, which connects Winwick Lane on the southern boundary of the Site to the Parkside Farm within the central extent of the DCO Site.
 - St Helens Footpath 621, which connects Parkside Road to Highfield Farm at the centre of the Site and then to the northern extent of the Site. A level crossing at the railway line connects to two Wigan footpaths which all head north towards Newton Road, Lowton: 006/86/10; 006/87/10. Wigan Footpath 006/86/10 loops back and therefore has two sections which stem from the railway line.
 - St Helens Footpath 665, which connects Footpath 621 to Wigan Footpath 006/91/10.
 - St Helens Footpath 666, which connects Footpath 621 to Wigan Footpath 006/90/10.
 - Two Wigan footpaths run along the railway line: Wigan 006/90/10, which is located to the south of the line; and Wigan 006/88/10, which is located north of the line. These footpaths connect to a footpath which crosses the railway line at a level crossing and comprises three reference numbers: Wigan 006/93/10; Wigan 006/94/10; and Wigan 006/95/10.
 - Wigan Footpath 006/101/10 is located at the eastern extent of the DCO Site and connects to Winwick Lane, close to Kenyon Hall Farm.
31. Roads which have pavements and either connect into the footpath network within the DCO Site directly, or just outside it and therefore connect indirectly, are:
- Within the eastern boundary, the very southern extent of Winwick Lane. This section has been upgraded as part of the Parkside Link Road and has a pavement located on its western side. However, the majority of Winwick Lane has no designated footpath provision beside it, with hedgerow abutting the road in the most part.
 - Parkside Link Road crosses the central extent of the DCO Site and has pavement provision beside it.
 - Parkside Road (A573) provides access into the main part of the DCO Site from Winwick and Hermitage Green, and has pavement provision beside it.
32. PRoW which are located outside the DCO Site, within the surrounding Study Area, and provide relevant connections into the DCO Site are:
- Warrington Footpaths 00097/29/1 and 00097/100/1 are located in fields close to the north-eastern extent of the Site, close to Winwick Lane.
 - Warrington Footpath 00097/4/1 is located in fields close to New Lane End and Croft, to the east of the Site.
 - Warrington Footpaths 00322/1n/1, 00322/30/1, 00322/29/2, 00322/3a/1 and 00322/3c/1 are all located to the west of the M6 motorway, to the south of the Site,

just north of Winwick.

Other Routes

33. There are also two well-worn paths within the DCO Site which appear to indicate recent usage by members of the public. They are located at the northern extent of the DCO Site: the first route connects Parkside Road in the west to the footpath network beside Highfield Moss in the east; and the second is a small spur off to Highfield Farm. These routes are identified on Figure 1 with blue circles. They are not identified on the Definitive Map as formal public rights of way and further investigation is being undertaken as to their usage.

DEVELOPMENT DESCRIPTION

34. The Proposed Development is a Strategic Rail Freight Interchange (SRFI) and associated development comprising:
- provision of a rail terminal serving up to 16 trains per day, including ancillary development such as container storage, cranes for the loading and unloading of shipping containers, Heavy Goods Vehicle (HGV) parking, rail control building and staff facilities;
 - a rail turn-back facility within the Western Rail Chord;
 - up to c.767,000 square metres (m²) (gross internal area) of warehousing and ancillary buildings with a total footprint of c.590,000m² and up to c.177,050m² of mezzanine floorspace, subject to ongoing design and market assessment, comprising a mixture of units with the potential to be rail-connected, rail served and additional units;
 - new road infrastructure and works to existing road infrastructure;
 - provision of overnight lorry parking for users of the SRFI;
 - new energy centre and electricity substations, including central battery storage and potential provision of central Combined Heat and Power (CHP) units to augment the grid supply in the case of demand exceeding instantaneous firm and variable supplies;
 - provision of photovoltaics and battery storage on site;
 - strategic landscaping and open space, including alterations to public rights of way and the creation of new ecological enhancement areas;
 - demolition of existing on-site structures (including existing residential dwellings / farmsteads and commercial premises);
 - potential relocation of the Huskisson Memorial; and
 - earthworks to regrade the DCO Site to provide appropriate access, connections to the railway, development plots and landscape zones.

OUR APPROACH TO THE ASSESSMENT

Study Area

35. The Study Area for the consideration of impact on PRow comprises two levels:
 - The DCO Site, within which there will be direct impacts on PRow;
 - An area within an approximate radius of 500m beyond the DCO Site boundary which includes all key connections into the DCO Site, as was previously described in the Baseline Environment section.
36. The draft DCO Site boundary and detailed study area are shown on Figure 1.
37. The Study Area includes an approximate 'zone of influence' (ZOI) beyond the DCO Site, within which there may be an indirect impact due to the direct changes brought about by the Proposed Development within the DCO Site. The exact extent of the Study Area is influenced by a number of factors, including the location of key transport routes which are used by pedestrians, such as Winwick Lane, Parkside Road and Newton Road, as was described in the Baseline Environment section.
38. PRow connections beyond 500m from the DCO Site boundary will be considered at a more strategic level within the Transport and Highways Assessment. This will inform the PRow study and ensure a clear understanding is gained regarding the wider movement of people on the local PRow network, which the DCO Site forms part of. This will likely include connections from: Newton-le-Willows, Golborne, Culcheth and Winwick and the focus will be on gaining an understanding of the potential movement of people from the main settlements in the surrounding area.

Desk study

39. Definitive Map and Statement information was obtained from St Helens, Wigan and Warrington Councils, in addition to data on permissive routes within the Study Area. Further information was sought on promoted routes from on-line resources.

Survey work

40. A detailed site survey will be undertaken during which all PRow within the Study Area will be assessed. In addition, local off-site PRow within the 500m study area will be assessed.
41. During the surveys, information relating to the following points will be recorded:
 - General condition, including clarity of route definition, stability of ground condition and accessible width;
 - Ease of access, including access gates and styles for example, and any obvious restrictions, such as locked gates, unstable ground or other hazards;
 - Evidence of use including any users noted during the survey;

- Immediate landscape and visual context to the route (agricultural, wooded, urban, etc.); and
- Connections to other routes.

LIKELY MAIN EFFECTS OF THE PROPOSALS

42. As a result of the Proposed Development, it is likely that the majority of routes on the DCO Site will either be affected through diversion or re-routing. Only if considered absolutely necessary would stopping up a section of a route be reviewed.
43. Notwithstanding the above a number of opportunities to improve the overall PRow network across the DCO Site would be undertaken through:
- Diversion of existing PRows to accommodate the Proposed Development and to enhance connectivity from nearby settlements and other key linkages;
 - Retention of the network of PRow at the northern extent of the DCO Site, close to Highfield Moss and the railway line;
 - Enhancement of the PRow network within the DCO Site, through the creation of well-connected routes which are set within attractive green corridors, providing publicly accessible connections to the wider network of PRows within the local area;
 - Enhancement of connectivity between the DCO Site and nearby settlements, such as Winwick, Croft, Lowton, Golborne and Newton-le-Willows;
 - Upgrading styles to gates, chicanes and upgrading PRow surfaces.

PROPOSED APPROACH TO MITIGATION

44. The Proposed Development aims to make a significant contribution to improving pedestrian and cycle connections within the DCO Site. Improvements will not be limited to provision of new active travel options for those coming into the Proposed Development, such as employees, but will also improve existing PRow connections in proximity to the DCO Site, around the southern extent of Lowton in particular.
45. The design of the Proposed Development takes reference from PINS guidance on good design in applications for NSIPs (Nationally Significant Infrastructure Projects: Advice on Good Design, PINS 2024) which states:
- "Achieving good design requires a holistic approach to deliver high quality, sustainable infrastructure that responds to place and takes account of often complex environments."*
- "Achieving high quality, good design outcomes requires an effective, intentional, transparent, deliverable process to be planned, followed and secured."*
46. The design principles guiding the PRow strategy are as follows:
- The alignment of PRow within the DCO Site should be maintained wherever possible to

allow continued connectivity across the DCO Site. This is most likely at the northern extent of the DCO Site, while routes in the main body of the DCO Site would almost certainly be diverted to allow for the Proposed Development. Where retention of a PRoW is not feasible or desirable, alternative routes are proposed to maintain connectivity in a manner that is as direct as possible considering public safety and visual amenity;

- The creation of new PRoW connections will be designed as part of an integrated network that connects with retained/existing PRoW and key destinations identified in user surveys; and
- Where possible and appropriate, existing and proposed PRoW would be incorporated within green corridors to align with ecological, landscape and visual amenity aspirations, to create attractive and multifunctional open spaces, both within the DCO Site and on its periphery.

NEXT STEPS

47. The following are key next steps in relation to the development of the assessment and design of a PRoW strategy as part of the design of the Proposed Development. These steps are intended to overlap to ensure that the design process takes into account the continuing ongoing analysis of the likely impact on the PRoW network and therefore result in the most suitable mitigation measures:

- Site analysis of the existing condition of the PRoW network within the DCO Site and Study Area;
- User surveys;
- Assessment of likely impact of the Proposed Development on PRoW within the DCO Site;
- Ongoing input to the overall design process for the Proposed Development;
- Consultation with statutory and non-statutory consultees.

48. This topic paper forms part of the material available for the informal consultation that is taking place between 27 January 2025 and 21 March 2025. Should you wish to comment on this paper or any other matters related to the Proposed Development you can respond to the informal consultation via:

- ILP North website – www.tritaxbigbox.co.uk/our-spaces/intermodal-logistics-park-north
- Email ilpnorth@consultationonline.co.uk
- Freepost ILP North
- 01744 802043