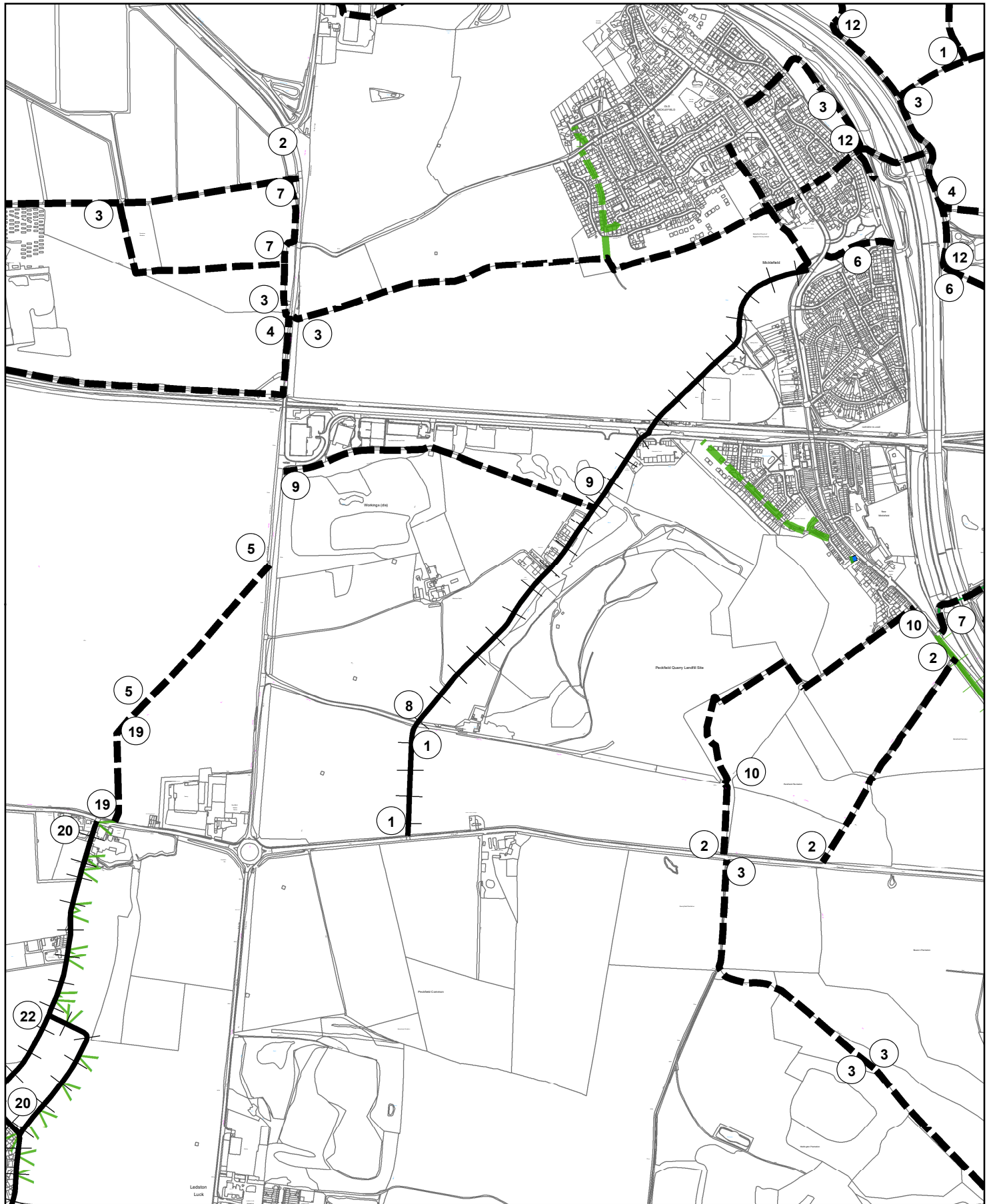


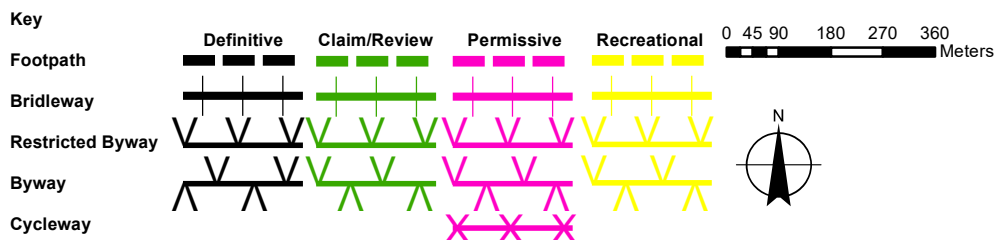
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BB 01



BB1 - Public Bridleway Micklefield No.8



Please Note: This is a working copy of the Definitive Map and is not a legal document. It should only be treated as an indication of public rights of way. Furthermore, the data shown on this map has currently not been corrected according to the OS Positional Accuracy Improvement Programme. The map base used by Leeds City Council follows the Ordnance Survey data from Pre August 2004 so some rights of way may be misaligned to the current Ordnance Survey maps. Any queries or errors in relation to public rights should be raised with the Definitive Map Team on 0113 3782906. This map is reproduced from Ordnance Survey materials with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown Copyrights. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or criminal proceedings. Leeds City Council 100019567 (2024)

BB 02

Photographs 1 & 2 : Public Bridleway Mickelfield No. 8 looking south from Great North Road



BB 03

Photographs 3 & 4 : Public Bridleway Micklegate No. 8 either side of Peckfield Level Crossing

Looking northwards :



Looking southwards :



BB 04

Advice on Width, area and height

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all countries but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.

More advice is available on www.bhs.org.uk/accessadvice.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society recommends seeking advice specific to the site.

In providing specifications for equestrian ways and facilities, the British Horse Society considers all equestrian users, which may result in a specification which might not be appropriate in all circumstances. The recommendations should be read with this in mind. **If the specification seems inappropriate in a situation, the Society strongly advises consultation with its local access volunteers or staff to establish what may be acceptable at a particular site.**

Riders and carriage drivers, like walkers and cyclists, come in all sizes, with considerable variety in their interests, skills, needs and preferences and this should be considered in providing or improving ways used by equestrians.

Width for new routes

The intention of the widths recommended here is to provide a *useable* width of minimum 3 metres for a bridleway or 4 metres for a byway at all seasons, irrespective of whether a way is bounded by a hedge or fences, or may be fenced in future. A useable width is likely to require at least an additional half a metre to each side giving an overall width of 4 metres (bridleway) or 5 metres (byway) to avoid such as overgrowth reducing the useable width between cuts, particularly adjacent to barbed wire or thorny plants, or a horsedrawn vehicle having to avoid ruts. More than half a metre may be required where hedge growth must be accommodated for fast-growing hedge species or where the hedge is not cut each year.

A common difficult situation is where an unenclosed bridleway or byway with a recorded width of 2 metres becomes fenced as a 2 metre wide corridor, resulting in a useable width of only 1 metre in the middle because vegetation and debris may occur close to the boundaries and users naturally avoid passing close to a fence, wall or hedge.

Observing users pass one another on an unenclosed bridleway or byway makes it clear that 2 metres is rarely the actual used width, most people will choose to give one another more space. Two pedestrians may pass each other within a 2 metre width, but two riders, or any combination of riders,

cyclists, carriage-drivers and pedestrians may prefer not to pass so close to one another. Passing is feasible where users are prepared to stop to allow others to pass.

The Society recognises that the circumstances for all new bridleways and byways (including diversions) vary and on occasion, particularly to gain a route away from motor vehicles, a width less than the recommended standard may be accepted as better than using a motor vehicular road. For situations where a lesser width is considered because the standard is not possible, advice and agreement should be sought from the BHS.

In Diversion Orders

The Society encourages Order Making Authorities to adopt a recommended standard width of 5 metres for diverted bridleways and byways.

The Society will usually object to bridleway or byway diversion proposals where the width of the replacement way is less than 4 metres unless exceptional circumstances apply.

In Creation Agreements and Orders

The Society encourages Order Making Authorities to adopt a recommended standard of 5 metres m width for new bridleways and restricted byways whenever possible but recognises that a lesser width may be necessary in order to create any way in some cases.

For greenways and those considered to be of strategic importance, more than 5 metres allows comfortable space for different types of user, particularly if used by cyclists at speed. If segregation is thought necessary in a particular circumstance then the greater width makes this possible. Where available, a width greater than 5 metres also allows for the provision of trees and hedges and benches for resting to increase the attraction and health benefits of the route for all users.

For general maintenance or enforcement purposes

Where there is no substantive evidence of a right of way's width, the Society will request that a width of no less than 3 metres is cleared. If the Definitive Statement includes a width, then a minimum of that width should be reinstated so long as it is wide enough to be practical (minimum 3 metres if bounded on one or both sides, 2 metres if open, based on the provisions of the Rights of Way Act 1990 for arable field bridleways, 4 metres for a byway).

The Highways Act 1980 Section 164 provides that the presence of barbed wire by a right of way can constitute a public nuisance. Users of the way should be protected from the barbs by a flat rail on the side of the right of way. A greater width may be required to provide sufficient passing space clear of the barbed wire. Electrified fencing should be treated as for barbed wire and avoided along or across bridleways and byways.

The width between gateposts (Highways Act 1980 Section 145) should be 1.5 metres on a bridleway, 3 metres on all byways and roads.

Where bollards are considered to restrict vehicular access, the minimum width should be 1.5 metres on a bridleway, 1.8 metres on a byway (see BHS Advice on Vehicle Barriers)..

In Modification Orders

The Society will object if the width stated is less than that for which there is substantive evidence, or if a single whole route width is stated where there is evidence that the right of way is wider in places.

If evidence relies on an inclosure awarded width of more than sixteen feet, the Society may, depending on local circumstances, be open to subsequent extinguishment of width in excess of 5 metres provided that the remaining width is of a surface and nature which is resilient to use.

Area

Where it is necessary to turn a ridden horse (in order to close a gate, for example), the area of manoeuvring space should ideally be no less than 4 metres by 4 metres; large horses may require more than 4 metres to turn easily. The absolute minimum space required is a diameter of 3 metres on clear, flat ground with no protrusions or overhanging vegetation. A greater area is preferred to avoid potential of injury on fencing, gates or other structures and if ground is uneven or there is overhanging vegetation.

The more that area is restricted, the more important it is that the surface is firm, level and even and kept clear of overgrowth.

Horse-drawn vehicles are likely to need to turn only if there is an obstruction which prevents them continuing, which could present a problem if an area less than 5 metres (depending on size of turnout) is available although, if absolutely necessary, a horse can be unhitched and the vehicle turned separately, but this is not a task to be considered normal or 'convenient' for a highway user.

Space and Safety at Gates for Ridden Horses

See BHS Advice on Gates. The recommended area for manoeuvring a ridden horse at a gate is 4 metres by 4 metres, incorporating 1.2 metres in line with the gate beyond the clapper post. Manoeuvring a horse through a gate is particularly hazardous for riders and any obstacle or impediment within or close to the manoeuvring space and gateway greatly increases the difficulty of operating the gate safely. The manoeuvring space must be on firm, level and even ground without trip hazards or overgrowth.

Electric fencing near gates can present a particularly serious hazard if it is possible for the horse, rider or gate to contact the electrified wire. Please see BHS Advice on Electric Fencing.

Drivers of horse-drawn vehicles are likely to be accompanied by another person who will open and close a gate. Additional space is not required but a gate at roadside which is not set back by at least 5 metres may put the horse and vehicle at risk from road traffic while waiting for the groom to close the gate and remount the vehicle.

Fenced enclosures for waiting areas or separation pens

There is sometimes a need for enclosed areas, perhaps at road crossings, or at the end of a bridge where stock security is required but a gate should never be installed on the end of the bridge which is less than 3 metres wide. For any enclosed area it is recommended that:

- Clear manoeuvring space of at least 4 metres by 4 metres is required within the pen.
- All fencing should be post and rail wooden fencing, no wire, wire netting or barbed wire. If barbed wire is required for stock control, it should be shielded on the bridleway side by a plain rail.
- The ground throughout the structure should be firm, level and free from deep mud or vegetation that would reduce the useable area.

All other recommendations for gates, catches and surroundings apply (free of protrusions, barbed wire and so on, see BHS Advice on Gates).

If an area is likely to need to accommodate more than one ridden horse, such as a waiting area to cross a road, then more than 4 metres length or width will be required. For driven horses, a minimum of 6 metres length will be required.

Fencing

As a general guide the following types of fencing are suitable for horses and can be used safely alongside rights of way, in order of preference:

1. Post and rail wooden fencing
2. Posts with impact resistant plastic rails
3. Posts with flexi-rails (PVC or rubber-coated webbing)
4. Vertical close board fencing has been used at roadside locations in waiting pens for light controlled crossings but while it may help horses feel safer while waiting, it will limit sightlines for equestrians

Wire fencing (both straight and barbed) is less desirable and potentially injurious. This is more likely if it is not well installed and maintained with firm upright posts and fully tensioned wire. If barbed wire is proved to be a nuisance it is illegal (Section 164 Highways Act 1980).

Metal palisade security fencing with spikes on top, commonly seen by railways, should be avoided alongside bridleways and byways as the injuries that could be incurred by a rider falling onto the fence if thrown from a horse could easily be fatal.

Electric fencing should never be used alongside or across bridleways or byways except where proper provision has been made at gates and the way is wide enough between the fencing (see BHS Advice on Electric Fencing).

Standard stock fencing is generally between 1,100 and 1,200mm high.

Height

Overgrowth

The average height of a mounted rider is 2.5 metres above ground level, tall riders on large horses could be close to 3 metres. Overhanging branches, overgrowth from the sides and any other obstructions should be cleared to a height of 3.4 metres on all routes.

Horse-drawn vehicles vary in height but clearance to accommodate riders will also give clearance for drivers as those vehicles higher than a rider are very unlikely to be used as exercise vehicles.

Underpasses and Tunnels

Where underpasses are constructed to enable equestrians to cross below a road or railway, the ideal height is more than 3.4 metres, and a width of 5 metres. Generally, the longer the underpass, the more desirable it will be to meet the ideal height or width, however, all situations should be judged individually as there are many factors to take into account.

While the Society seeks the desirable height and width for underpasses, in exceptional circumstances a lower height or width may be tolerated for a crossing of a road or railway which would be unsafe to cross at grade and where there is no option to increase the height, such as where the water table is high.

When a lower height for an underpass is locally agreed as acceptable, equestrians would be expected to dismount although those with smaller horses and low horsedrawn vehicles may choose not to if they are comfortable with the clearance. It should be left to the rider's discretion as they are unlikely to risk themselves or their horse and are the best to judge what is appropriate for them. When a lower height has been locally accepted as unavoidable, a mounting block should be provided at either end (see BHS Advice on Mounting Blocks) for those who are forced to dismount.

Where a compromise has been reached that a low or narrow underpass is the best solution available, equestrians must not be prevented from using it as many will be capable of doing so once the horse has accepted the environment.

There are many examples through the country of equestrian using disused railway tunnels and long underpasses, such as under motorways; there is no reason to exclude horses from them. Examples include several on the Monsal Trail in Derbyshire and the Denstone Trail in Staffordshire, both disused railway lines, and the Trans Pennine Trail at Thurgoland. Some tunnels/underpasses are quite narrow but it is not an issue so long as all users know to expect others and to pass with care and consideration. Signs are important on shared use trails to make clear to all users to expect horses.

Lighting in underpasses or tunnels depends very much on the site. Horses can generally see better in the dark than humans, but have greater difficulty with sudden changes in light, such as moving from bright light into an underpass, their eyes adjust more slowly, which may cause a horse to be reluctant to move forward, however, the light level needed to mitigate is not great and certainly no more than would be normal for a pedestrian route.

British Standard BS 5489-1:2020 section 7.4.7. gives requirements for lighting 'subways'. BS 5489-1 suggests that daytime lighting should be double that required during darkness hours, however, where an underpass is part of a rural route that is unlit, this is likely to be excessive.

Standards do not refer to requirements for horses but it may be assumed that provision for pedestrians is likely to be acceptable.

Please see www.bhs.org.uk/accessadvice for all BHS Advice referred to above.

BB 05

Photographs 5 & 6 : Proposed Right of Way through MRG

Near level crossing looking eastwards :



Within MRG by the side of sports pitches looking eastwards :



Photographs 7 & 8 : Proposed Right of Way through MRG

Adjoining vehicular access road :



Entrance to MRG car park :



Photographs 9 & 10 : Proposed Right of Way through MRG

Looking east along access road towards Great North Road :



Vehicle barrier at entrance to MRG off Great North Road :



BB 06

RIGHTS OF WAY REVIEW COMMITTEE

PRACTICE GUIDANCE NOTES

PRACTICE GUIDANCE NOTE 6

PLANNING AND PUBLIC RIGHTS OF WAY

Second edition, December 2007

FOREWORD

The Rights of Way Review Committee is a non-statutory committee which reviews matters relating to public rights of way in England and Wales with the aim of agreeing, by consensus, proposals for action. It brings together a wide range of organisations. The Chairman is John Grogan MP. The Countryside Council for Wales and Natural England provide Vice-Chairmen.

The following bodies are represented on the Rights of Way Review Committee : Association of National Park Authorities, British Driving Society, British Horse Society, Byways and Bridleways Trust, Central Council of Physical Recreation, County Surveyors' Society, Country Land and Business Association, Natural England, Countryside Council for Wales, Cyclists Touring Club, Institute of Public Rights of Way Management, Land Access and Recreation Association, Local Government Association, National Association of Local Councils, National Farmers Union, National Federation of Bridleway Associations, Open Spaces Society, Ramblers' Association, Riding for the Disabled Association, Welsh Local Government Association. Observer status : Department for Culture, Media and Sport, Department for Environment, Food and Rural Affairs, National Assembly for Wales, Department for Transport.

The purpose of these Practice Guidance Notes is to offer practical advice on aspects of rights of way legislation and to recommend working practices that will enhance the overall protection and good management of the rights of way network. They are advisory, derived from extensive discussions between the principal interest groups, and represent a consensus that has been endorsed by the Rights of Way Review Committee. We hope that they will be welcomed by everyone concerned with the practical management of rights of way and be a valuable aid in that important work.

Notes in the series are :

- PGN1 : Consultation on changes to public rights of way and definitive maps*
- PGN2 : Deemed dedication of public rights of way : section 31(6) of the Highways Act 1980*
- PGN3 : Minimising representations and objections to definitive map modification orders*
- PGN4 : Securing agreement to public path orders*
- PGN5 : Investigating the existence and status of public rights of way*
- PGN6 : Planning and public rights of way*

If you have any comments about these notes please write to the Secretary, Rights of Way Review Committee, 15 Lansdown Park, Bath BA1 5TG; or suetoland@hotmail.com.

PLANNING AND PUBLIC RIGHTS OF WAY

I. Introduction

1. Every year, hundreds of public ways are affected by development. New housing, factories, warehouses, golf courses, quarries - any development can affect a public right of way. Some developments succeed in preserving the route and character of ways or provide attractive replacements. The increasing recognition of public ways, both as part of the transport infra-structure and as vital recreational and health assets, means that every effort should be made to incorporate ways into new developments and, if possible, to enhance them.
2. The Rights of Way Review Committee has prepared this note to assist local authority officers, particularly rights of way officers and those who work in development control, to incorporate public ways into sites proposed for development. It is hoped that the note will also be of use to developers and individuals making planning applications. Rights of way officers are urged to make sure that their colleagues in development control (including those in district councils) have copies of this note. It is also recommended that authorities consider publishing a simple guide to these procedures for developers—some authorities have done this eg Mid Bedfordshire District Council, Suffolk County Council and Wigan Metropolitan Borough Council.

II. Planning applications

3. The effect of a development on a public right of way is a material consideration in the determination of applications for planning permission. Planning authorities are therefore asked to ensure that the effect on rights of way is taken into account when such applications are considered. To achieve this end:
 - a. **Planning officers** should ensure that there is a question on planning application forms about the existence of public rights of way within the site proposed for development, immediately adjacent to the application site, or along which access to the site is proposed either for the period of carrying out the development or permanently. Forms should also advise where applicants can get precise information about the status, line and width of the public right of way to enable them to answer the question accurately, and ask for the depiction of definitive routes on the plans being submitted.
 - b. **Planning officers** should check this information with the local authority officers responsible for highways and public rights of way.
 - c. **Rights of way officers** should ensure that all rights of way affected by the development have been identified, by reference to the definitive map and any other information on ways acknowledged as public rights of way but which are not yet recorded on the definitive map.
 - d. **Planning officers** should take into account applications to modify the definitive map or proposals the authority may have to do so, and the possible existence of higher rights on the ways shown on the definitive map (eg bridleway rights over ways shown as footpaths). Officers should look on the ground for ways apparent on site and in use by the public which are not recorded on the definitive map — the planning application may spark a claim.
 - e. Where public rights of way cross a site proposed for development, **planning officers** should involve rights of way officers in any pre-application meetings

with the developer.

- f. **Planning officers** should involve public rights of way user groups in the procedure. This can be done by making the weekly planning list available to them free of charge or at a reduced fee, and by consulting them about planning applications that affect public rights of way. **Planning officers** should invite them to site meetings where appropriate.
 - g. **Planning officers** should ensure that local plans include policies to incorporate public rights of way in new developments.
 - h. **Planning officers** should give special consideration to developments which might endanger rights of way users. For example, horses might be startled by sudden, unexpected noise from vehicles or machinery near to rights of way. In the light of this, there should be a safety margin between proposed wind turbines and public rights of way for horse-riders or horse-drawn vehicles.
 - i. **Planning officers** should beware of the use of existing rights of way as vehicular access routes, either as part of the development or during development works. There may be important health and safety implications.
 - j. **Planning officers** should consider whether to use a planning obligation arrangement under s.106 of the Town and Country Planning Act 1990 (TCPA 1990) (as amended by the Planning and Compensation Act 1991) to provide for new or improved public rights of way within the site.
 - k. **Highway officers** should ensure that transport assessments for new developments take account of public rights of way in, near or affecting the site of a proposed development.
 - l. **Planning officers** should ensure that training in planning and development control for elected members includes the key considerations that must be taken into account where the site of the development is crossed by a public right of way. Training courses should include examples of those elements of any development which would necessarily obstruct a public right of way and those which would not and provide guidance on the procedures to accommodate a public right of way within any new development where the development would necessarily result in the obstruction of an existing way.
4. Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site. It is recommended that, where such advertisement is necessary, those organisations prescribed to receive copies of public path orders should be consulted about the planning application as soon as possible after the application has been received. This will help to ensure that adequate consideration to public rights of way is given *before* planning permission is decided. It would also help to ensure that elected members give proper consideration to public rights of way before the planning application is decided.

III. Planning guidance

- 5. Other planning guidance should also be taken into account before planning permission is granted:
 - a. Defra advice on planning permission and public rights of way

“Provision of a new line for the way should be considered at the detailed planning stage. Wherever possible ways should be provided which pass through landscaped or open space areas away from vehicular traffic. They should be generally acceptable to the public. Estate roads should not be used to provide a new line for an existing right of way unless there is no other option.”

b. DOE Circular 5/94 (Welsh Office 16/94): Planning Out Crime

“Care should be taken that well-intentioned segregation schemes for pedestrians and cyclists do not lead to over-isolation, especially at night. Attractive pedestrian links and cycleways can be formed through amenity open space ... Wherever possible, footpaths and alleyways should be wide, clear of hiding places, well lit and should follow a direct route... sensitive and skilled design should be capable of reconciling the need for acceptable landscaping and the need to produce safe environments. Generally speaking, however, landscaping schemes should avoid creating hidden areas, near footpaths for example, where crime is easier to commit.”

c. PPG13 paras 75-77: Transport on walking, especially:

“In preparing their development plans and in determining planning applications, local authorities should identify the network of routes and locations (including the links between key uses such as schools, town centres and transport interchanges) where the needs and safety of pedestrians will be given priority — create more direct, safe and secure walking routes, particularly in and around town centres and local neighbourhoods, and to schools and stations, to reduce the actual walking distance between land uses, and to public transport.

Local authorities, as part of their walking strategy, should also promote walking through such measures as encouraging more use of public rights of way for local journeys and helping to promote missing links in rights of way networks.

d. PPG 17 paras 17 and 32: Sport and Recreation

“Local authorities should protect and enhance those parts of the rights of way network which might benefit open space.”

“Rights of way are an important recreational facility which local authorities should protect and enhance. Local authorities should seek opportunities to provide better facilities for walkers, cyclists and horse-riders, for example by adding links to existing rights of way networks.”

e. Encouraging walking: advice to local authorities (DfT advice, March 2000)

“Carefully planned new developments within existing urban areas can help to reduce the need to travel by car by increasing the number of people who can easily walk to jobs, shops leisure and other facilities, including public transport interchanges”.

f. Policies set out in structure, local and unitary development plans, and in local transport plans and walking and cycling strategy documents.

IV Layout and design on site

6. **Planning officers** should advise developers that wherever possible ways through developments should run through open, landscaped areas away from roads and should complement the existing network. Narrow ways running between houses and enclosed by fencing should be avoided. Natural surveillance is important - ways should be over-looked and free from sharp bends (which can provide blind spots and hiding places). Well-overlooked ways on which activity is encouraged during the day and evening benefit from being regularly under surveillance from the general public. There should be appropriate lighting, having regard to the DOE/Countryside Commission publication, *Lighting in the Countryside: Towards good practice*.

7. New routes should have formal status by adoption as highways or recorded as public rights of way, including those that run through public open space. This will avoid problems over appropriate use and responsibility for maintenance. However, if the local authority may want to amend the routes of ways running through new public open space, they should make a declaration under section 31(6) of the Highways Act 1980 and/or place notices on site.

8. Where ways are not enclosed, footpaths should be of a minimum width of 2 metres and bridleways and byways 3.5 metres. If the way is to be enclosed by fencing, hedging or buildings then footpaths should be of a minimum width of 4 metres and bridleways and byways 6 metres. If an existing path or way is to be retained on its existing line then **planning officers** should remind developers that widths recorded in the definitive statement apply. (If no width is recorded in the definitive map and statement, **rights of way officers** should carry out research to establish the width and make a definitive map modification order to record the width.)

9. The needs of all members of the community need to be taken into account when surfacing and street furniture are being considered. **Planning officers** should assess how use of the route might alter as a result of the development and discuss with **highway officers** (because the highway authority which will be responsible for maintenance) what kind of surface and safety barriers, etc should be provided.

10. **Planning officers and rights of way officers** should consider the boundaries of the application site and how ways can help to integrate the development into the surrounding landscape. It is important that new routes which go to the edge of the site join the public rights of way or highway network to avoid access and maintenance problems arising later.

V. Before planning permission has been granted—public path order applications

11. **Planning officers** should make clear to a developer as early as possible after a planning application is received that the granting of planning permission will not give the developer the power to divert, extinguish or alter the status of any public right of way which may be affected by the development. Nor it is certain that the local authority will allow ways to be diverted or extinguished.

12. If the application is for outline permission it may only be possible to make sure the applicant knows he must set out his plans for public rights of way when he applies for detailed permission. In view of the uncertainty of the outcome of a public path order application, wherever possible ways should be kept on their existing routes and consideration should always be given to amending site layout plans to accommodate the routes on their existing lines. However, if after discussion between the developer and development control, landscape and rights of way officers, it is

concluded that the development does necessitate the closure or diversion of a public right of way then the developer (with the landowner's agreement if not the same person or company) must apply for an order under section 257 of the Town and Country Planning Act 1990.

12. Section 257 empowers a local authority to make an order to stop-up or close a public right of way affected by development for which planning permission has been granted (or where express permission is not needed). For the power to be exercisable, the authority must be satisfied that it is necessary to stop up or divert the way *in order to allow the development to be carried out*. If discussions conclude that it would be *desirable* to divert or extinguish a route, rather than *necessary* to avoid its physical obstruction, the landowner/developer should be advised to submit an application under the Highways Act 1980.

13. **Planning officers** should make clear to the applicant that a public path order application will not automatically succeed. At this stage the applicant should be made aware in writing that if a way is disturbed or obstructed before the public path order procedure has been completed the developer may be prosecuted. Local authorities have the power to reinstate ways in that circumstance, even if this means pulling buildings down.

14. There is no power for the local planning authority to make an order under section 257 of the 1990 Act until planning permission has been granted. However Rights of Way Review Committee Practice Guidance Note No. 1 recommends that, before embarking on the formal order-making procedure, the authority should consult the prescribed organisations and other interested parties with a view to forestalling representations and objections after the order is made. Consultations on the proposed change should be carried out when layout details are being discussed, *before* the grant of planning permission. This allows time for negotiation on the responses received to the consultation, and gives the opportunity for changes to be made to proposed routes, or to the layout, before planning permission is granted.

15. Ways which are shown on the list of streets but not on the definitive map should be treated as if they were shown on the definitive map.

16. **Planning officers and rights of way officers** should decide the standard of new routes before planning permission is granted, so that the applicant is aware of the works he will need to carry out he is successful. **Planning officers and rights of way officers** should also discuss with the applicant the timetable for making new ways available; and draft the order accordingly. The options for the order taking place on the ground and the certification procedure should be explained to the applicant—see IX below. Additionally the need for any temporary closure or diversions of existing routes should be discussed.

17. Good communication between the applicant and development control, landscape and rights of way officers should mean that the content of the proposed public path order and public notice can be agreed and drafted in anticipation of planning permission being granted. RWRC Practice Guidance Note 4: Securing agreement to public path orders encourages authorities to use an explanatory statement to accompany Highways Act orders. It is recommended that a similar statement be prepared for orders made under TCPA 1990.

VI After planning permission has been granted—public path order making

18. Once planning permission has been granted, the local authority can

determine the application for a public path order. **Rights of way officers** need to be satisfied that it is necessary to divert or extinguish a footpath, bridleway or restricted byway in order to enable development to be carried out in accordance with the planning permission.

19. Developers should not assume that because planning permission has been granted the local authority will invariably make or confirm a public path order. This view is backed by case law, in particular *K C Holdings (Rhyl) Ltd -v- Secretary of State for Wales* (1989) where it was held that there is a discretion to consider the merits and demerits of the proposed closure of a footpath in relation to the particular facts that obtain. The judge, Sir Graham Eyre QC, rejected the contention that once the Secretary of State was satisfied that the development could be carried out only if the footpath was stopped-up he was obliged to confirm the order. And *Vasilou -v- Secretary of State for Transport* (1990) where the Court of Appeal held that the Secretary of State had to take into account the effect that an order would have on those entitled to the rights which would be extinguished by the order, especially as the section contained no provision for compensating those so affected.

20. The order has to be made in accordance with the procedures in Schedule 14 of the 1990 Act and substantially in the form set out in the Town and Country Planning (Public Path Orders) Regulations 1993.

21. **Planning officers and rights of way officers** should ensure that s.257 of the 1990 Act is used only in legitimate circumstances. The word 'necessary' as it is used in s.257 must be understood as meaning precisely that: it must be shown that the closure is *necessary* to enable the development to take place, not merely that it is (for example), desirable or expedient. For example, residents, usually in urban or suburban areas rather than in rural locations, may complain about an adjacent way being an intrusion on their privacy. Aware that legitimate frequent use of the way will make it difficult to show that the way is not needed for public use, some councils have granted planning permission for 'development' which is no more than the conversion of the way into garden land, and then made an order under s.257 on the basis that it is necessary to stop-up the way in order to enable this development to be carried out in accordance with the planning permission. In most cases this is no more than a contrivance to get a way closed and objectors have successfully opposed several such orders. In most cases it will be perfectly possible for a way to go through a garden, even if it is enclosed or cultivated. Many fields are enclosed and cultivated, yet they are crossed by ways. Inspectors acting on behalf of the Secretary of State have rejected attempts to extinguish ways by this means, and the Local Government Ombudsman found one council guilty of maladministration when it sought to use planning permission and then the s.257 procedure to convert a right of way into an area of garden. Where it would be expedient, for the purposes of preventing or reducing crime which would otherwise disrupt the life of the community, and where the way in question is situated in an area designated by the Secretary of State, special extinguishment and diversion orders can be made under ss.118B and 119B of the Countryside and Rights of Way Act 2000.

22. Notice has to be given stating the general effect of the order, where it can be inspected free of charge and that copies of it may be purchased. The notice will also specify a period (not fewer than 28 days from the publication of the notice) during which representations and objections may be made. The notice must be published in a local paper, displayed at the ends of the way to be affected, and served on other local authorities, those organisations prescribed in the Regulations, and others who have advised the authority of their wish to receive orders.

23. Representations and objections have to be sent to the authority by the date appointed in the notice. An authority cannot confirm an order to which representations or objections have been made and not withdrawn. At the end of the objection period, the authority should contact those who have made representations or objections to see if there are grounds for withdrawing them. Otherwise, the order, together with the representations and objections, must be referred to the Planning Inspectorate which acts for the Secretary of State for Environment, Food and Rural Affairs (Defra) in England and the National Assembly for Wales. The Inspectorate will appoint an inspector who will either hold a hearing or an inquiry, or arrange an exchange of written representations.

24. It should be noted that the Secretary of State has no power to amend a planning permission so as to facilitate what objectors to an order claim to be a preferable diversion, and inspectors are advised not to allow objectors to seek to re-argue the merits of the development for which planning permission has been granted.

25. Once the order is confirmed, whether by the Secretary of State or the local authority, the authority must give notice in the same way that it advertised the making of the order. It must also give notice of a decision not to confirm. The Secretary of State also has power to modify an order, for example to substitute an alternative route for a way, but he may have to advertise his proposed modification. If the Secretary of State decides not to confirm an order, the way remains on its existing line until a further order is made and confirmed. If the order is modified or is not confirmed the applicant may need to apply for an amended planning permission to accommodate the definitive line of the way on the site.

VII. Secretary of State orders

26. The Secretary of State is empowered by s.247 of the 1990 Act to make orders affecting rights of way for reasons similar to those available to local authorities under s.257. The Secretary of State's powers extend to the extinguishment or diversion of highways carrying vehicular rights of way (restricted byways, byways open to all traffic, and "ordinary" roads). In practice he rarely exercises his powers in relation to footpaths, bridleways or restricted byways. In Greater London the Secretary of State's order-making powers have been transferred to the London borough councils, with the Mayor of London being involved with orders to which there are representations or objections. The Secretary of State retains jurisdiction on opposed orders made by the London borough councils under s.257.

VIII What if the way has already been built over?

27. From time-to-time authorised development starts, and may be completed, before an order to close or divert a way affected by that development has been made. Is an order under s.247 or s.257 then precluded? This question was considered by the Court of Appeal in *Ashby & Dolby -v- the Secretary of State for the Environment* (1980). The court held that orders (under the Town and Country Planning Act) could be made so long as some of the authorised development remained to be carried out. If it had been completed those powers could not be used. Further to this, in *Hall -v- Secretary of State for the Environment* (1998), the developer had built a wall over a footpath and then demolished it in the hope of still being able to make use of s.257. At inquiry, the inspector had taken the view that rebuilding the wall would constitute authorised development remaining to be carried out and had confirmed the order, but his decision was quashed in the High Court where the judge held that once development had taken place the planning

permission relating to that part of the development had been spent—the rebuilding of the wall would therefore need new planning permission.

IX Coming into force of orders

28. An order which extinguishes a right of way under the 1990 Act is normally so drafted as to come into effect immediately on the order's confirmation, regardless of whether or not the development ever takes place. Orders which divert or otherwise bring into existence new rights of way, should be drafted so as to come into operation not immediately upon confirmation (unless the new route is already available at a standard which is acceptable to the local planning and highway authorities) but upon the subsequent certification by the order-making authority that the new route has been satisfactorily created. This provides an incentive for the developer to get the new routes made up, and prevents the order from taking effect if for any reason the development fails to be carried out as planned. It also avoids a contested order being confirmed by an inspector and coming into operation on a date over which the order-making authority has no control, which could lead to the old way being closed before the new one has been created, thus depriving the public of the use of the way.

29. If an order comes into operation other than on the date on which it was confirmed, the authority has to certify the order to bring it into operation. This certification acts as confirmation that the terms of the order have been complied with in respect of the creation of the new route to the reasonable satisfaction of the order making authority. In consequence, order-making authorities are recommended to inspect the new routes of ways before certifying an order, even if the highway authority has already confirmed that it is content with the standard of the new route. There is no prescribed means of certifying an order; this can be done by adding the words 'the Foregoing Order is hereby Certified', signed and dated by the Chief Executive of the order-making authority to the order.

30. The coming into force of an order by certification must be advertised in a local paper. Again there is no prescribed form of words but the following could be used:

[Name of order-making authority]

Town and Country Planning Act 1990 s257

[Name of Order]

In accordance with s.257 and paragraph 8 of Schedule 14 to the above Act notice is hereby given that on [date] [name of order making authority] certified that the alternative right[s] of way required under the terms of the above order have been created to it reasonable satisfaction. The order has now taken effect. [Date]

It is recommended that those on whom the making and confirmation of the order was served are also notified by letter of the certification.

30. Authorities must send copies of confirmed orders (when certified, if certification is involved), to Ordnance Survey. OS reflect the effect on the ground on the next revision of the relevant maps.

31. The surveying authority (the county council or unitary authority, metropolitan district or outer London borough council) is under a duty to make, in due course, a definitive map modification order under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way so as to reflect the change made by the order. There is no right of objection to such legal event orders.

X Further reading

Access/rights of way pages on : www.defra.gov.uk; www.wales.gov.uk; www.planning-inspectorate.gov.uk; www.naturalengland.org.uk; www.ccw.gov.uk.

www.dft.gov.uk *Transport Assessment: good practice guidance for development proposals; National Cycling Strategy; Local Transport Note 1/87 Getting the right balance (advice for local authorities on pedestrianisation and vehicle restricted areas); By Design — Urban design in the planning system: Towards better practice; Better Places to Live, By Design; Encouraging walking: advice to local authorities*

www.communities.gov.uk *Places, Streets and Movement; Lighting in the Countryside: Towards good practice; Publicity for Planning Applications; Planning Out Crime; The Town and Country Planning (General Development Procedure) Order 1995 (Statutory Instrument 1995 No 419) Article 8; Planning policy guidance 13 : Transport.*

Institute of Public Rights of Way Management: www.iprow.co.uk *Rights of way good practice guide*, section 4.7.7

The Town and Country Planning (Public Path Orders) Regulations 1993 (Statutory Instrument 1993 No 10)

Department of the Environment Circular 7/95 *Amendment Regulations and Advice on Public Path Orders* Stationery Office, 1995, £1.50

Practice Guidance Notes 1 and 4 in this series

Rights of Way: A Guide to Law and Practice, John Riddall and John Trevelyan, Open Spaces Society and Ramblers' Association, fourth edition, 2007. £29.95 + postage and packing from 0116 254 3579

www.dspace.dial.pipex.com/rwlr/ *Rights of Way Law Review Section 12 (Annex - issued September 1998) Practice & Precedent - Section 257 Town and Country Planning Act 1990: stopping up and diversion orders*

British Horse Society Policy Statement No. 20 Wind Farms (www.bhs.org.uk; tel. 01926 707700)

BB 07

Advice on Road Crossings for Equestrians in England and Wales

The law and management of public access rights vary widely between the four countries of the United Kingdom. This advice note is written for England and Wales and although elements of the advice may be applicable in Scotland and Northern Ireland this cannot be assumed.

If this is a saved or printed copy, please check www.bhs.org.uk/accessadvice for the latest version (date top of page 2).

In providing specifications for ways and facilities for equestrians, the British Horse Society considers all equestrian users (those riding, leading or driving horses). This may result in a high specification which might not be appropriate in all circumstances. The recommendations should be read with this in mind. If the specification seems inappropriate in a situation, the Society strongly advises consultation with its local representative to establish what may be acceptable at a particular site. Sites vary so much that BHS specifications can only be general in nature and may require tailoring for any site.

Routes used by equestrians include bridleways, byways, unsurfaced unclassified roads, quiet lanes, permissive paths, commons and public open space; most of which leave riders and carriage-drivers no choice but to use busy roads to reach them.

Generally, crossing a main road is much preferred by equestrians as far safer than proceeding for any distance along it. An underpass or overpass are the ideal for crossing a busy road but commonly cannot be provided on the grounds of cost or available space and an at grade crossing is the only option.

Sightlines

It is sometimes possible to improve the crossing point through clearing vegetation to increase sightlines and provide sufficient space for horses to wait away from the kerb or surfaced carriageway edge.

Signs in the verge or footway sometimes obstruct equestrians' sightlines, because they are generally at least a metre above a pedestrian or cyclist. Where possible, signs should be avoided within sightlines at an equestrian's height (1.8-2.4m driving, 2.25-2.6m riding), which may also help drivers of some goods vehicles to see the equestrians. Design of a new crossing should ensure sufficient land is available for signs and other street furniture without affecting sightlines for those waiting to cross.

Corrals

Fenced corrals are not usually necessary although in some environments they can help horses and equestrians feel safe. Structures can also influence the behaviour of motorists by appearing to narrow the carriageway and therefore reduce speed or increase awareness of a hazard.

Warning Signs

Warning signs to motorists of horses on the road (DfT P550.1) on the approach to a crossing should be considered. Lit or flashing warning signs which are activated by the presence of equestrians can be highly advantageous in alerting motorists and reducing incidents. Such signs are operated by equestrians at a control box on approaching the road or activated by a sensor. The control and signs must be set back far enough that motorists approaching are alerted and have time to slow before reaching the crossing and that this coincides with the equestrian reaching it.

These signs could also be used where equestrians are forced to use a stretch of road with poor sightlines in between junctions with safer routes.

Obstructions and Barriers

Structures in the verge may remove the potential for the verge to be used by riders as a refuge while waiting to cross, particularly if there is a group of riders. Cutting grips in the verge for drainage is also a hazard, particularly as these commonly become quickly overgrown and are not visible. Reduced cutting regimes mean that verges become overgrown and cannot be used as a refuge.

Road safety barriers (e.g. Armco) are a common hazard obstructing the points where equestrian routes cross carriageways, particularly on trunk roads. They force equestrians along the road rather than being able to cross directly. Such barriers should always have gaps with rounded edges adequate for a horse to pass through at or close to the line of the crossing. The gap will need to be at least 1.8m for horse-drawn carriages, 1.5m for ridden or led horses. In certain circumstances, depending on the site, a lesser width may be agreed by the British Horse Society for a byway.

Joining a Road

Bridleways or byways ending at a main road should not have a gate within several metres of the road edge, partly to ensure there is space well off the road for equestrians to wait, and partly so that equestrians are not negotiating a gate while at risk from motor traffic close by. (A gate is a difficult and hazardous manoeuvre for a rider and for a driver requires one person to be on foot.)

Design

Structures and design of trunk roads are subject to Department of Transport prescriptions. These are mainly provided in the Design Manual for Roads and Bridges (DMRB). While local roads do not have to comply with the DMRB, it is commonly used as a guide and may still contain helpful information with regard to equestrians. Volume 6 Part 3 and 5 are likely to be of most interest.

For bridges and underpasses, see BHS Advice on Bridges, and on Width, Area and Height respectively.

Trunk Roads and Dual Carriageways

At grade crossings of dual carriageways are difficult and sometimes impossible for many horses. Road designers or others involved may consider crossing easier because those crossing are only negotiating traffic from one direction at a time. However, unlike cyclists or pedestrians, equestrians may find it too risky to wait on a central reservation; particularly if there has already been a wait to cross the first carriageway and if waiting for longer than a minute, which is commonplace on many dual carriageways. The high noise level and strong air currents from passing vehicles can be distressing for horses and humans.

On single carriageways traffic will commonly be held behind slower vehicles, creating gaps between vehicles long enough for equestrians to cross, except on roads where traffic is so dense it forms a continuous stream. On busy dual carriageways, gaps tend to occur only when a lorry is overtaking slowly, holding faster traffic behind it, and creating a gap ahead. This may be infrequent, resulting in continuous traffic and waits of several minutes for a gap.

The preferred means of crossing a dual carriageway is by an underpass or overbridge. Ideally, the provision of underpasses where the road is on embankment and overbridges when it is in cutting would minimise visual impact and the length of ramps. Special factors which will have to be considered include high water table and high load routes, plus environmental impact of structures.

An underpass of sufficient height where a road is not embanked is often impractical without incurring drainage problems. Even if the depth below the road is available, the length of ramp to comply with the 5% gradient required for cycles or mobility vehicles could be difficult to accommodate. Where an underpass is not practical, an overbridge is the next choice, however, this too is often impractical because of the required height of the bridge and the land required for ramps.

Where bridleways, byways and minor roads are diverted to a bridge or underpass, provision should be made alongside the carriageway as far from the traffic as possible, with screening for noise reduction.

Where an underpass or bridge is not practical, a signal controlled crossing at grade should be considered.

Signal Controlled Crossings

Equestrian 'Pegasus' signal controlled crossings are a means of creating a relatively safe means of crossing roads at grade, which is cheaper and more practical on existing roads than the creation of an underpass or bridge. Where new roads are planned, the British Horse Society recommends the use of underpasses as the first choice of crossing.

Pegasus crossings are derived from pedestrian Pelican crossings, which control traffic signals from a push-button operated by the user.

The standard design for a signal controlled crossing segregates equestrians from cyclists and pedestrians with a separate holding area and crossing. This can mean that a new crossing is refused because of insufficient space. It is rare that crossings are so heavily used that conflict between different users while waiting is likely, therefore there may be circumstances where a variation from the standard design is appropriate.

The waiting period between pressing the button and lights changing to stop the traffic is of primary importance at an equestrian crossing. It must be as short as possible as horses may become restless while waiting.

Recommendations for Pegasus crossing construction and dimensions were produced by the Department of Transport in Traffic Advice Leaflet 03/03 [Equestrian Crossings](#). This advice has been archived and not replaced but may be of use.

The Design Manual for Roads and Bridges Volume 6 Section 5 CD 143¹ Designing for walking, cycling and horse-riding (formerly TA 90/05, TA 91/05, TA 68/96, TD 36/93) includes Pegasus crossings.

The [Traffic Signs Regulations](#) provide standard formats for the control panels and lights used by riders.

The BHS emphasises the following points:

- Ideally, any of the horse buttons on a Pegasus crossing should give a shorter waiting time than the ordinary pedestrian/cycle level buttons.
- Buttons should be positioned at a height so that accommodates the height variation from a child's pony to a large horse so they can be easily reached by all riders.
- Waiting pens are not always necessary and may be considered by site. There is a simple Pegasus on the edge of Lincoln that has no waiting pen, in spite of being on an A road into the city centre.
- Waiting pens are not constructed at every point where bridleways cross roads. If there is a good flow of walkers and cyclists as well, then separation or pens may be advisable, but not everywhere.

¹ Search for CD143 on www.standardsforhighways.co.uk/dmrb (not linked because too frequently changed)

- Fencing around waiting areas at a Pegasus in rural areas is only necessary if there is a drop or some other hazard beyond it, unless the waiting area is in the middle of a dual carriageway, when it may be helpful.
- TAL 03/03 stated under Shared Use that, "it is usually desirable to provide a cyclist and/or pedestrian as well as an equestrian crossing facility". This is excessive in most circumstances particularly as it almost doubles the costs of equestrian crossings, making them prohibitively expensive to install.
- Horse riders and walkers and cyclists have coexisted on many bridleways that have as little width as two to three metres without problems, and they wait to cross roads together where there is no Pegasus crossing without any accidents between non motorized users.
- All that is needed in most rural situations is a reasonable space for horses behind the one for pedestrians and cyclists, and for the button for equestrian use to be sited in the equestrian waiting area.

Publications

Design Manual for Roads and Bridges Volume 6 Section 5 CD 143 Designing for walking, cycling and horse-riding (search for CD143 on www.standardsforhighways.co.uk/dmrb, not linked because too frequently changed)

[TAL 03/03](#) Equestrian Crossings (archived)

[TD 50/04](#) The Geometric Layout of Signal controlled Junctions and Signalised Roundabouts*

[TA57/87](#) Roadside Features*

*May also be withdrawn in the current review of the Design Manual for Roads and Bridges.

Sites with low level of use or limited space

At some sites for retro-fitting, a Pegasus crossing may not be considered feasible because of lack of space or where the cost is not justified by the level of equestrian use. On the basis that 'something is better than nothing' at such sites, a lesser provision may still help equestrians to cross a road in safety and this would be preferable to them being forced onto the road or having to cross without control of the motor traffic. There are a frightening number of examples of crossings used by horses where only a pedestrian/cyclist crossing has been provided and equestrians are forced to risk the uncontrolled traffic to cross or are prevented from using the route.

A separate crossing and fenced waiting areas are not always necessary. A non-standard crossing may be installed by the highway authority by seeking consent for variation from the Department for Transport plus, while the DMRB is generally accepted as a guide, it applies only to major roads..

The Society suggests a range of options dependent on the site and number of non-motorised users using the crossing at any one time:

1. Pelican/Puffin/Toucan with additional button box at the back of the footway at 2m high so a ridden horse is not adjacent to the traffic while a rider operates the button and waits
2. As 1 with post further back from carriageway, most appropriate where bridleway or byway is at the crossing, so the 'waiting area' is the last part of the bridleway
3. As 1 with fenced set back waiting area
4. Pegasus as specified in DMRB

1-3 do not require an additional segregated crossing and may be feasible where the number of non-motorised users at any one time is low enough that it is uncommon for equestrians to be waiting to cross with pedestrians and cyclists (however, tolerance between different types of user should be encouraged so that the need for segregation is reduced). Where a second button box at rider height is provided, it can be programmed to operate the lights with a shorter waiting time. All options assume that horses are legally permitted on the highway to access the crossing. If the crossing is on designated footway, then legal provision can be made for horses at that point.

Standards for crossings require tactile paving at a pedestrian crossing but not at an equestrian crossing. Tactile paving rarely presents a problem to horses in a small area (as is usually found at a crossing) so is not a limitation on horses being provided for at a non-Pegasus crossing.

Some horses and riders would be able to use a standard Pelican or Puffin crossing with an additional higher button box positioned so that it could be reached with the horse parallel to the kerb. This may be feasible in an area where motor traffic is at or below 30mph and where equestrian rights exist or are provided across the footway.

Where a signal-controlled crossing has not been considered necessary, approaching motorists may be warned of horses crossing or on the road by flashing warning signs (DfT P550.1). The signs may be activated manually by the equestrian at a control set back from the road, or automatically by sensor. These are particularly useful where sightlines are poor for the crossing or traffic speeds are more than forty miles an hour.

Examples of Pegasus Crossings

- A405 Brickett Wood, Herts (deviation from the standard because of lack of space)
- A507, Millbrook
- A322 Guildford Road, Bisley (deviation from the standard because of lack of space)
- A3 Wisley between Richmond Park and Wimbledon Common
- Ducks Hill, London Borough of Hillingdon: straight road 50mph, woodland both sides
- Windsor Great Park, Royal Borough of Windsor and Maidenhead: two lane road
- Off A602 Stevenage, Hertfordshire across entrance to Sainsbury's; two lane road 30mph
- Pennine Bridleway at Waterfoot A681, Rossendale: two lane road 30mph

- A57 Saxilby Road, Lincoln, West Common; two lane road 30mph
- A43 Towcester, Northamptonshire: dual carriageway adjacent to roundabout

The BHS has many other examples if required.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.

BB 08

Technical Standard - Public rights of way

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List of acronyms

BOAT	Byway Open to All Traffic
CILT	Chartered Institute of Logistics and Transport
CPTED	Crime Prevention Through Environmental Design
EMR	Environmental Minimum Requirements
DAS	Deliverable approach statement
GLA	Greater London Authority
RUPP	Road Used as a Public Path
TfL	Transport for London
TRO	Traffic Regulation Order
TTRO	Temporary Traffic Regulation Order

References

Title	Reference
HS2 Technical Standards	
Technical Standard – Highway and access drainage	HS2-HS2-DR-STD-000-000002
Technical Standard – Roads	HS2-HS2-HW-STD-000-0000001
Technical Standard – Earthworks	HS2-HS2-GT-STD-000-000001
Technical Standard – Fencing	HS2-HS2-CV-STD-000-000002
Technical Standard – Overbridges (post-hybrid Bill only)	HS2-HS2-BR-STD-000-000003
Technical Standard – Viaducts (post-hybrid Bill only)	HS2-HS2-BR-STD-000-000001
Technical Standard – Underbridges (post-hybrid Bill only)	HS2-HS2-BR-STD-000-000002
Technical Standard – Culverts and underpasses (post-hybrid Bill only)	HS2-HS2-BR-STD-000-000005
HS2 Deliverable Approach Statements (applicable to hybrid Bill design only)	
Deliverable approach statement – Overbridges	HS2-HS2-BR-DAS-000-000001
Deliverable approach statement – Viaducts and underbridges	HS2-HS2-BR-DAS-000-000002
HS2 Phase One Information Papers	
D11 – Maintaining access to residential and commercial property during construction	gov.uk
E5 – Roads and Public Rights of Way	gov.uk
E13 – Management of traffic during construction	gov.uk
E14 – Highways and traffic during construction – legislative provisions	gov.uk
E28 – Future highway maintenance responsibilities	gov.uk

Title	Reference
Standard detail drawings	
Highway standard detail drawings	HS2-CSI-HW-STD-000-XXXXXX-FD, where XXXXXX represents all drawing numbers
Other HS2 documents	
Guidance Document – Landscape Design Approach	C224-ARP-CV-REP-040-000090
Project dictionary	HS2-HS2-PM-GDE-000-000002
Legislation	
Highway Act 1835	legislation.gov.uk
Inclosure Act 1857	legislation.gov.uk
Commons Act 1876	legislation.gov.uk
National Parks and Access to the Countryside Act 1949	legislation.gov.uk
Commons Registration Act 1965	legislation.gov.uk
Countryside Act 1968	legislation.gov.uk
Highways Act 1980	legislation.gov.uk
Acquisition of Land Act 1981	legislation.gov.uk
Wildlife and Countryside Act 1981	legislation.gov.uk
Cycle Tracks Act 1984	legislation.gov.uk
Road Traffic Regulation Act 1984	legislation.gov.uk
Rights of Way Act 1990	legislation.gov.uk
Town and Country Planning Act 1990	legislation.gov.uk
Transport and Works Act 1992	legislation.gov.uk
Countryside and Rights of Way Act 2000	legislation.gov.uk
Commons Act 2006	legislation.gov.uk
DMRB	
DMRB standard TD 19 'Requirement for Road Restraint Systems'	gov.uk/standards-for-highways-online-resources
DMRB standard BD 29 'Design Criteria for Footbridges'	gov.uk/standards-for-highways-online-resources
DMRB standard TD 36 'Subways for Pedestrians and Pedal Cyclists. Layout and Dimensions'	gov.uk/standards-for-highways-online-resources
DMRB standard HD 42 'Non-motorised User Audits'	gov.uk/standards-for-highways-online-resources
DMRB advice note TA 90 'The Geometric Design of Pedestrian, Cycle and Equestrian Routes'	gov.uk/standards-for-highways-online-resources

Title	Reference
DMRB advice note TA 91 'Provision for Non-Motorised Users'	gov.uk/standards-for-highways-online-resources
Further sources of information	
Countryside, Access and Environmental Casework	http://www.planningportal.gov.uk/planning/countryside/
'Practice Guidance Note 1 – Consultation on changes to public rights of way and definitive maps', by the Rights of Way Review Committee	iprow.co.uk
Rights of way and accessing land	gov.uk/right-of-way-open-access-land
'Rights Of Way: a guide to law and practice' (also known as the 'Blue Book'), by John Riddall and John Trevelyan	Published by Ramblers and Open Spaces Society
'Advice on Specifications and Standards recommended for equestrian routes in England and Wales', by the British Horse Society	bhs.org.uk

Project terminology

The project terminology used within this document can be found in the HS2 project dictionary (HS2-HS2-PM-GDE-000-000002).

Conventions

Mandatory clauses

The following convention is used to indicate mandatory clauses.

Mandatory clauses are differentiated from the main text of this document by use of a 'black box'. They contain the word 'shall' to indicate their status as a requirement.

Departures

Any intention to not comply with a mandatory clause is considered to be a departure from this Technical Standard.

It is recommended that the designer discusses any proposed departures with HS2's Technical Directorate at an early stage.

Guidance

The following convention is used to indicate guidance.

NOTE – Guidance is differentiated from the paragraph to which it relates by use of italic type and use of the words 'should' or 'may'.

1 Executive summary

- 1.1.1 This technical standard provides the technical requirements and associated guidance for the design of any works to public rights of way potentially affected by the HS2 project. It also covers similar issues regarding other routes with public access by non-motorised users and is a companion document to Technical Standard – Roads (HS2-HS2-HW-STD-000-000001).
- 1.1.2 Adoption of this technical standard will help ensure a consistent approach to public rights of way issues across the whole project.
- 1.1.3 This technical standard is intended for use during all phases of design, from hybrid Bill design to detailed design.

2 Introduction

2.1 Background

- 2.1.1 Public rights of way are a type of highway, and in many respects the smallest country footpath has the same legal status as the busiest dual carriageway.

2.2 Legislation

HS2 hybrid Bills

- 2.2.1 The HS2 hybrid Bills give powers to a 'Nominated Undertaker' to stop-up, realign, divert and create new public rights of way. Refer to Information Paper 'E14 – highways and traffic during construction – legislative provision' for further details.

Other legislation

- 2.2.2 The main statutes covering the creation (dedication), use, maintenance, diversion and stopping up (extinguishment) of public rights of way are:
- Highways Act 1980
 - Wildlife and Countryside Act 1981
 - Town and Country Planning Act 1990
 - Countryside and Rights of Way Act 2000
- 2.2.3 However, there is also a considerable body of case law dating back over several centuries that also needs to be taken into account when developing proposals which may affect public rights of way.

NOTE – Refer to References section for other legislation referenced in this document.

2.3 Definition














2.3.1 A public right of way is a type of highway that is not a road. A highway can either be a road or a public right of way, never both.

2.4 Types of public rights of way

2.4.1 There are four types of public rights of way, as follows and shown pictorially in Table 1:

- **Footpath** – A public right of way for pedestrians only, accounting for 78% of England’s network
- **Bridleway** – Historically a public right of way for pedestrians and equestrians only, but which may also be used by cyclists under the provisions of the Countryside Act 1968
- **Restricted Byway** – A new type public right of way introduced by the Countryside and Rights of Way Act 2000 allowing use by non-motorised (usually horse-drawn) vehicles in addition to those classes of traffic entitled to use bridleways
- **Byway Open to All Traffic (BOAT)** – A public right of way which may be used all classes of traffic (including motorised vehicles)

Table 1 - Permitted users of public rights of way

Public right of way Type	Pedestrians	Equestrians	Cyclists	Non-motorised vehicles	Motorised vehicles
Footpath					
Bridleway					
Restricted byway					
Byway Open to All Traffic (BOAT)					

- 2.4.2 Reference may also be seen to a former type of public right of way, Road Used as a Public Path (RUPP), established by the National Parks and Access to the Countryside Act 1949. However, there was widespread confusion about the exact status of RUPPs and the Wildlife and Countryside Act required these to be reclassified; generally as bridleways, but also as BOATs where established use by motorised vehicles could be proved. As this process had not been fully completed in some areas, all remaining RUPPs were reclassified as restricted byways in 2006 under the Countryside and Rights of Way Act 2000.

- 2.4.3 If a public right of way described as a RUPP is encountered, the actual status of the route shall be established with the highway authority.

2.5 Records

General

- 2.5.1 The National Parks and Access to the Countryside Act 1949 required surveying authorities (local highway authorities) to prepare a Definitive Map of public rights of way in all non-metropolitan areas. This requirement was later extended to all local authority areas apart from the 12 Inner London boroughs.

NOTE – Refer to Section 2.8 for details on local highway authorities.

NOTE – In the Inner London Boroughs, public rights of way may be recorded in the 'List of Streets' that the local highway authority is required to maintain or otherwise shown on highway boundary maps or maintenance plans.

- 2.5.2 In each case, the Definitive Map is accompanied by a statement giving additional details such as connections to other highways and (in some cases) widths. In rare cases, limitations or conditions attached to the public's rights will also be recorded in the statement.
- 2.5.3 Definitive Maps and statements have to be made available for inspection in person at the council's offices, but are not usually published online. However, some local authorities do publish material derived from the Definitive Map in various forms, and the public right of way network (at the time of publication) is shown on 1:25000 and 1:50000 scale Ordnance Survey mapping in green and red respectively.

NOTE – The Definitive Map can only be modified by an order made under the Wildlife and Countryside Act, although the change may be initiated by a 'legal event' arising from an order made under another piece of legislation (which will occur when the HS2 hybrid Bills are enacted).

- 2.5.4 As the public right of way network is subject to change, there is no guarantee that information shown on Ordnance Survey mapping or other published sources is still current so reference must be made to the Definitive Map for up-to-date details.

NOTE – Data has been added to the HS2 Geographic Information System (GIS) as provided by each surveying authority. However, a check against the Definitive Map still should be undertaken to validate this information.

Unrecorded public rights of way

- 2.5.5 Whilst there is no doubt about the status of a public right of way shown on the Definitive Map, the fact that a route is not shown does not mean that a public right of way does not exist. Any person who has evidence that public rights exist (e.g. through unchallenged use of a way for a minimum period of 20 years or documentary proof) can ask the surveying authority (i.e. local highway authority) to modify the Definitive Map at any time.

NOTE – Each surveying authority is required to maintain a register of claimed public rights of way and these should be available online.

NOTE – Major development schemes sometimes prompt claims for unrecorded public rights of way to be added to the Definitive Map (although these may, of course, ultimately prove unsuccessful).

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| 2.5.6 | Where a suspected unrecorded public right of way is encountered, the exact status of the claimed rights and whether it is expected to be included in the Definitive Map shall be established with the surveying authority. |
| 2.5.7 | Where an unrecorded public right of way is confirmed by the surveying authority, it shall be assessed on a case by case basis to determine an appropriate level of mitigation. |

'Dead end' public rights of way

- 2.5.8 As for roads, public rights of way exist for persons to travel without let or hindrance from one place to another. As such, they comprise a network with connections to other highways at each end (and often at intermediate points as well). It is therefore unusual for a 'dead end' route to exist, with exceptions for cases such as public rights of way leading to the coast or a river crossing (even though the bridge, ford or ferry may have long since disappeared).
- 2.5.9 However, the Definitive Maps are full of anomalies where 'dead end' public rights of way stop for no apparent reason. This frequently occurs at parish boundaries, where adjacent parish councils took a different approach to what they considered to be a public right of way when the Definitive Maps were being first drafted. It may also occur where a public right of way joins a green lane or what appears to be a private access which is actually public road but is not shown as such on the Ordnance Survey mapping.

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| 2.5.10 | The possibility always needs to be considered that an apparently 'dead end' route may continue as an unrecorded public right of way and where encountered the situation shall be clarified with the surveying authority. |
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2.6 Other routes with public access by non-motorised users

- 2.6.1 There are also many other types of route with public access by non-motorised users. These include:

Green lanes

- 2.6.2 This is a term with a variety of meanings, but for the purposes of this document it is taken to mean an unclassified road maintained by the local highway authority. Whilst usually unsurfaced – and often narrow and possibly wholly or partially overgrown – green lanes can legally be used by all classes of traffic (including motorised vehicles). In practice, there is little significant difference between a BOAT and a green lane and design considerations and mitigation measures are likely to be similar.

- 2.6.3 Where potential green lanes are identified, the exact status of the route shall be confirmed with the local highway authority.

NOTE – Also refer to Technical Standard – Roads (HS2-HS2-HW-STD-000-000001) regarding any potentially affected green lanes.

Permissive routes

- 2.6.4 Landowners may agree to public access on a basis usually equivalent to a footpath or bridleway but this permission may be withdrawn at any time. Landowners may also allow use of a public right of way by more classes of traffic than the type would normally permit (e.g. cyclist and pedestrian use of a public footpath). Permissive paths may also be closed temporarily (e.g. one day per year in order to prevent public rights from becoming established, or for periods to allow for agricultural or forestry operations, wildlife breeding seasons, etc.). A number of established permissive routes are shown in orange on 1:25000 scale Ordnance Survey maps. An example of permissive route is the Forest Trail network to be found in most Forestry Commission woodlands.

NOTE – There are various sources of information about permissive routes, some of which will be known to the local highway authority, but in most cases it will be necessary to obtain full details directly from the landowners concerned.

Canal towpaths

- 2.6.5 Many canal towpaths are recorded on the Definitive Maps as public rights of way, but nearly all others provide *de facto* public access to pedestrians. Access may also be available to cyclists and/or equestrians, but this tends to be more tightly controlled through the use of barriers and gates.

- 2.6.6 The exact status of canal towpaths not recorded as public rights of way shall be established with the owner (usually Canal and River Trust).

NOTE – In some cases, public rights may have become established over time (and thus the towpath ought to be considered as an unrecorded public right of way – see Section 2.5 for details) whilst others are only permissive routes.

Roads where use by certain classes of traffic is restricted by a Traffic Regulation Order (TRO)

- 2.6.7 Traffic management measures sometimes result in Traffic Regulation Orders (TROs) being made under the Road Traffic Regulation Act 1984, which restrict usage by certain classes of traffic (e.g. motorised vehicles) on either a temporary or permanent basis. Physical restrictions are usually supported by traffic signs and/or road markings, but these may fall into disrepair or disappear completely over time. In many cases, there will be exceptions to the general restrictions imposed by a TRO (permitting access by the emergency services and adjacent landowners, for example).

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| 2.6.8 | The exact nature of the restrictions imposed by a TRO shall be established with the local highway authority. |
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NOTE – Restrictions imposed by temporary orders can usually be disregarded after the stated expiry date (although it has to be borne in mind that this may be extended).

Footways

- 2.6.9 A path for pedestrian use only, located within the boundaries of a public road (i.e. 'pavements' in common usage). These are not highways in their own right, and are simply another component of the road together with the carriageway(s), verge(s), etc. Where used by pedestrians, traffic islands and paved areas on bridges also have the same status.

NOTE – Under the Highway Act 1835, it is a criminal offence to cycle or drive a vehicle on a footway (except at an official crossover to a private access).

NOTE – Refer to Technical Standard – Roads (HS2-HS2-HW-STD-000-000001) for requirements and guidance relating to footways.

Combined footway / cycleways

- 2.6.10 Similar to a footway, but provided as a path for use by both pedestrians and cyclists. They exist in two forms:
- Segregated – where the route is divided into two separate parts, one for pedestrians and the other for cyclists, divided by a white line
 - Unsegregated – where pedestrians and cyclists share the full width of the route

NOTE – Combined footway / cycleways have to be specifically signed as such in order to allow use by cyclists without an offence being committed under the Highway Act 1835.

NOTE – Refer to Technical Standard – Roads (HS2-HS2-HW-STD-000-000001) for requirements and guidance relating to combined footway/cycleways.

Cycle lanes

2.6.11 Cycle lanes form part of the road carriageway, adjacent to (and usually on the nearside of) main traffic lanes. They exist in two forms:

- With-flow – where cyclists are travelling in the same direction as the other traffic
- Contra-flow – where cyclists are travelling in the opposite direction to the other traffic

NOTE – Cyclists have the right to use all traffic lanes on all roads (excluding motorways) except where a Traffic Regulation Order prohibits their use (accompanied with the relevant regulatory signs). Most bus lanes allow for usage by cyclists as indicated on signs.

NOTE – Refer to Technical Standard – Roads (HS2-HS2-HW-STD-000-000001) for requirements and guidance relating to cycle lanes.

Cycle tracks created under the Cycle Tracks Act 1984

2.6.12 A special type of off-road route either provided for cyclists alone or also permitting use by pedestrians. Cycle tracks should not be confused with on-road cycle lanes, roadside segregated cycleways or roadside unsegregated cycleway/footways.

2.6.13	Where potential off-road cycle tracks are identified, the status of the route shall be confirmed with the highway authority.
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Greenways

2.6.14 The term 'greenway' is often used to describe a former railway line that has been converted to allow public access by non-motorised users. Greenways have traditionally been established primarily for pedestrians and/or cyclists however some also allow equestrian access. Greenways may be either a type of public right of way (such as a bridleway or restricted byway) or a linear country park with permissive access rights for defined user types.

2.6.15	The status of greenways shall be confirmed with the local highway authority, or landowner where not a public right of way.
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Housing estate paths

2.6.16 A path for pedestrian use only, located within a housing estate but remote from roads. These are not usually highways in their own right, but may either be maintained by the local highway authority (in which case public use is generally permitted) or by the housing estate owner (in which case the intention may be that it is not, although public rights may have become established over time).

2.6.17	The status of housing estate paths shall be confirmed with both the local highway authority and the housing estate owner
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NOTE – The possibility of a housing estate path being an unrecorded public right of way also needs to be considered (refer to Section 2.5 for further information).

Open access land ('right to roam')

- 2.6.18 Under the Countryside and Rights of Way Act 2000, pedestrians have a 'right to roam' on mapped areas of mountain, moor, heath, downland and registered common land without having to stick to a public right of way. However, landowners and tenants have the discretion to suspend or restrict public access for up to 28 days each year for any reason. They may also apply for additional restrictions or closures for purposes such as land management, safety or fire prevention reasons.

NOTE – Where areas of open access land are crossed, careful consideration will have to be given to the location of any proposed overbridges, underbridges or underpasses as it will not necessarily be obvious where the pedestrian desire lines are. For larger areas, it will be necessary to consider more than one crossing point.

NOTE – Open access land data is available on the HS2 Geographic Information System and online mapping is also accessible from the Natural England website.

- 2.6.19 Registered common land is protected from development by statutory controls. These are principally contained in the Commons Act 2006 and the Acquisition of Land Act 1981, but other controls are contained in various public and local Acts and Orders. Furthermore, any application to deregister an area of common land exceeding 200 square metres will require an equivalent area of suitable 'replacement land' to be provided.

- 2.6.20 In the event that an area identified as common land is potentially affected, the commons registration authority (normally the county council, unitary authority, metropolitan district council or London Borough council) shall be consulted to confirm the status and extent of the site.

Town and village greens

- 2.6.21 Town and village greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. Most greens were registered in the late 1960s under the Commons Registration Act 1965 but anyone can apply under the Commons Act 2006 to register land as a town or village green if it has been used by local people for lawful sports and pastimes 'as of right' (i.e. without permission, force or secrecy) for at least 20 years.

NOTE – A town or village green does not have to be an area of neatly-mown grass; woodlands, ponds and even golf courses have previously been registered where they have met the statutory test.

NOTE – Strictly speaking, only inhabitants of the 'locality' (rather than the public at large) have the right to indulge in lawful sports and pastimes on a town or village green. However, in practice, they can be considered to be public open spaces for most purposes.

NOTE – Town and village green data is available on the HS2 Geographic Information System, but online maps are not generally available so it may be necessary to contact the registration authority (normally the county council, unitary authority, metropolitan district council or London Borough council) for up-to-date information.

- 2.6.22 Town and village greens have a high degree of statutory protection under the Inclosure Act 1857 and the Commons Act 1876, and permission is usually required from the local authority or the Secretary of State to carry out any potentially disruptive works to them. As for common land, any application to deregister an area of green exceeding 200 square metres will require an equivalent area of suitable 'replacement land' to be provided.

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| 2.6.23 | In the event that an area identified as a town or village green is potentially affected, the registration authority shall be consulted to confirm the status and extent of the site. |
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NOTE – Major development schemes sometimes prompt applications to register new town or village greens by those opposed to the scheme (although these may, of course, ultimately prove unsuccessful).

2.7 Maintenance and obstructions

- 2.7.1 Local highway authorities are legally responsible for public rights of way, including most aspects of maintenance and dealing with obstructions. The same applies to certain other routes with public access by non-motorised users (such as green lanes, roads with TROs, cycle tracks and footways). However, certain legal obligations are placed on owners with public rights of way crossing their land regarding matters such as the reinstatement of ploughed surfaces and the installation of gates.

NOTE – The fact that a public right of way (or similar route) may be rendered impassable by obstruction or neglect has no bearing on its status, no matter how long that situation has persisted.

- 2.7.2 When planning mitigation measures, it must be assumed that the local highway authority will fulfil its statutory duty to secure removal of any obstructions and restore the route to a usable condition consistent with its status.

- 2.7.3 Landowners are legally responsible for permissive routes, but may sometimes receive public funding for activities such as maintenance and improvements in return for allowing public access.

NOTE – For further details on highway maintenance responsibilities, refer to Information Paper E28 'Future highway maintenance responsibilities'.

2.8 Stakeholders

Highway Authorities

2.8.1 Under English law, there are three main types of highway authority, as follows:

- **Highways England**, a government owned company (formally known as the Highways Agency until March 2015)
- **Transport for London (TfL)**, part of the Greater London Authority (GLA)
- **Local highway authorities** – being the county council, unitary authority, London Borough or metropolitan borough for the area

2.8.2 Local highway authorities are the only highway authorities that are responsible for public rights of way.

2.8.3 While Highways England and Transport for London (TfL) are not responsible for public rights of way, they may be responsible for other routes with public access by non-motorised users (such as footways and cycleways).

NOTE – Local highway authorities often have a team dedicated to the management of public rights of way. They can be a useful source of information when designing new, realigned or diverted public rights of way.

Prescribed organisations

2.8.4 The bodies listed below are ‘prescribed organisations’ for notices about public rights of way orders being made under the Highways Act, the Town and Country Planning Act and Wildlife and Countryside Act. Although the HS2 project obtains powers for the project by means of the hybrid Bill process rather than one of the three above-mentioned acts, the prescribed organisations are likely to take a very detailed interest in the proposals.

- All notices
 - Auto Cycle Union
 - British Horse Society
 - Byways and Bridleways Trust
 - Cyclists’ Touring Club
 - Open Spaces Society
 - Ramblers (see Clause 2.8.7 for more details)
- Notices about orders affecting land in districts including Chiltern, Wycombe, South Bucks, Aylesbury Vale and Three Rivers
 - Chiltern Society
- Notices about orders affecting land in Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire
 - Peak and Northern Footpaths Society
- Notices about Wildlife and Countryside Act orders
 - British Driving Society

- Notices about orders creating footpaths, bridleways or restricted byways on land adjacent to operational railway lines
 - Network Rail

Other consultees

2.8.5 The document 'Practice Guidance Note 1 – Consultation on changes to public rights of way and definitive maps', published by the national Rights of Way Review Committee, identifies the following additional consultees about public rights of way orders:

- Local Access Forums – statutory bodies created by the Countryside and Rights of Way Act 2000
- Local authorities, including parish or community councils and chairmen of parish meetings
- Statutory undertakers (as some may have apparatus under or over the public right of way concerned)
- Local organisations with an interest in public rights of way in the district concerned
- Natural England
- The owner and occupier of any land affected by a proposal

Canal and Rivers Trust

2.8.6 Canal and Rivers Trust is a registered charity that is responsible for canals and inland waterways in England, and any associated tow-paths. Refer to Clause 2.6.5 for details on the status of canal tow-paths.

Ramblers

2.8.7 Ramblers is a registered charity that represents the rights of walkers. The stated aims of the Ramblers are to promote walking, to safeguard paths, to increase access for walkers, to protect the countryside and to educate the public. Rambler groups are associated with a particular locality and are often a good source of information about public rights of way in their local area.

Sustrans

2.8.8 Sustrans is a registered charity that manages the National Cycle Network, which comprises a mixture of 'greenways' and quiet roads. As a result, they are likely to be interested in any changes to the National Cycle Network including impacts during construction. Refer to Clause 2.6.14 for details on greenways.

Other interested parties

2.8.9 Other user groups may have an interest in the design of public rights of way, such as:

- The National Farmers Union – which represents farmers and may have an interest where public rights of way cross agricultural land

- Fishing user groups – which may have an interest where changes to canal tow-paths and public rights of way adjacent to watercourses may impact on fishing
- Mountain biking groups – which may have an interest in changes to bridleway, restricted byways and Byways Open to All Traffic (BOATs)
- Four-wheel drive and off-road motorcycling groups – which may have an interest in changes to Byways Open to All Traffic (BOATs)

3 Environmental considerations

3.1 Environmental Statement

3.1.1 Environmental impacts, including the impacts on public rights of way, are assessed prior to and during the hybrid Bill stage and are reported by means of an Environmental Statement. Examples of temporary and permanent effects include:

- Impacts on journey times to public right of way users;
- Severance to communities; and
- Visual impact of the works.

3.1.2 Following Royal Assent, the project is obliged to comply with the Environmental Minimum Requirements (EMR), which amongst other things state that the project cannot introduce any significant effects beyond those already addressed in the Environmental Statement. Design development for all aspects, including for public rights of way, need to ensure that no new significant effects are introduced. Refer to the Scope and Methodology Report in the Phase One Environmental Statement for the definition of a significant effect.

3.2 Transport Assessment

3.2.1 Potential impacts on public rights of way are reported on in detail in the Transport Assessment supporting the Environmental Statement.

NOTE – The assessment is not just restricted to pedestrians – all non-motorised users are considered.

4 Design considerations

4.1 Function of public rights of way

4.1.1 Public rights of way may serve one of more functions, depending on the user, geography, links to other public rights of way and roads and other factors such as its condition. Below are some common functions that public rights of way serve, however this is not an exhaustive list.

NOTE – Consultation with the community, as well as interest groups such as Ramblers can help determine how public rights of way are currently being used.

Link to local destinations

- 4.1.2 Some public rights of way provide important connections between residential areas and local destinations such as health and social services, retail facilities, schools and educational facilities, community and leisure centres and faith centres. People who use public rights of way to access local destinations may be more sensitive to any increased distances associated with realigned or diverted public rights of way. Users of these public rights way could form a broad cross-section of the community and may include people with reduced mobility or people with push-chairs or trolleys.

Local recreation routes

- 4.1.3 Many public rights of way are used to access the countryside for recreational purposes. Informal circular routes (which may include sections on quiet roads) near villages and towns are often highly regarded with local residents including dog-walkers, people with reduced mobility and people with buggies, and specific accommodation for these may be required (such as in the design of gates).

Regional or national recreational routes

- 4.1.4 Recreational use of public rights of way may not just be for local journeys – public rights of way can also be used for longer journeys that may take several hours (or even days or weeks). These may also form part of promoted routes or other national networks (such as the National Cycle Network and the National Bridleroute Network).

4.2 Users of public rights of way

- 4.2.1 Section 2.4 discusses the types of users (such as pedestrian, equestrian, etc.) that are permitted to use public rights of way; however a good public right of way design requires a greater understanding as to *who* and *why* a particular public right of way is being used.
- 4.2.2 It is essential to ensure that adequate provision for disabled people and people with reduced mobility is made in design.
- 4.2.3 Examples of people who may use a particular public right of way, include:

Footpath

- Disabled people
- People with reduced mobility
- People pushing buggies
- People walking dogs
- Recreational fishermen accessing waterways or canals
- People walking with small children
- Able-bodied people
- Hikers / ramblers

Bridleway

4.2.4 As for footpath plus the following:

- People cycling with children
- People cycling on tandem bikes
- Mountain bikers
- Disabled cyclists
- Able-bodied cyclists
- Children learning to ride horses (such as members of a Pony Club)
- Disabled equestrian riders
- Able-bodied equestrian riders

Restricted byway

4.2.5 As for bridleway plus the following:

- Horse-drawn vehicles

Byway Open to All Traffic (BOAT)

4.2.6 As for restricted byway plus the following:

- Trail (dirt) bikes
- Four-wheel drive vehicles
- Two-wheel drive vehicles

4.3 Public rights of way coincident with an access

4.3.1 Many public rights of way are coincident with existing private means of access or new accommodation accesses such as driveways or farm tracks. Whilst such accesses may be used by other classes of traffic (e.g. motorised vehicles) with permission of the landowner, public use is governed by the public right of way type. Refer to Technical Standard – Accommodation accesses (HS2-HS2-HW-STD-000-000004) for further details.

NOTE – When designing mitigation works for affected public rights of way – such as overbridges, underbridges, underpasses and diversions – it is also necessary to take account of any permitted private usage (unless this will cease through compulsory purchase or by accommodation works providing an alternative private means of access).

NOTE – There is no definitive source of private use arrangements, so it is important that as much information as possible is gleaned from sources such as community engagement and direct contact with landowners.

4.3.2 Besides accommodation accesses, HS2 accesses may also be coincident with public rights of way. Refer to Technical Standard – HS2 accesses (HS2-HS2-HW-STD-000-000003) for further details.

- 4.3.3 A public right of way is considered 'coincident' with an access where the public right of way and access share the same alignment. In these instances users of the public right of way (pedestrians, cyclists and or equestrians, as permitted) walk/ride along the access in an informal shared-use basis with vehicles using the access. This arrangement is often appropriate given the infrequent and low-speeds of vehicles typically using accesses.
- 4.3.4 There may be instances at very busy accesses where a separate unbound surface for non-motorised users is preferred, as opposed to having an informal shared-use arrangement. Where this occurs, the public right of way is no longer considered coincident with the access. Refer to Appendix C of Technical Standard – Roads (HS2-HS2-HW-STD-000-000001) for details of the similar case of paths being provided in the verge adjacent to busier roads.

4.4 Crime Prevention Through Environmental Design (CPTED)

- 4.4.1 Crime Prevention Through Environmental Design (CPTED, also known as Designing Out Crime) is a multi-disciplinary approach to deterring criminal activities through environmental design. This is based on research into criminal behaviour which shows that the decision to offend or not to offend is often related to the risk of being caught. Many aspects of CPTED relate to perceived risks and perceived safety, which are difficult to quantify.
- 4.4.2 The following list is a selection of CPTED issues that should be considered for non-motorised users in urban areas or on the urban fringe, however the designer should consider all relevant CPTED issues based on industry good-practice and guidance:
- Will the route feel 'safe'?
 - Does the route encourage 'legitimate' use or 'illegitimate' use, such as anti-social behaviour?
 - Will users of the route feel 'threatened'?
 - How well can users see what is ahead or behind, so that threatening behaviour can be identified? Are there places where an attacker could hide (for example, behind a wall, in bushes or in a dark place)?
 - If a person felt threatened, are there likely to be people nearby who could see or hear that person in distress? This is known as 'passive surveillance' and could be provided by adjacent residences or businesses, nearby roads or public rights of way, or from other non-motorised users.
 - Should usage of a route be encouraged at night (such as by providing street lighting), or would this lead to encourage use in areas that may be 'unsafe'?

4.5 Integration with the landscape

- 4.5.1 Public rights of way, as with all aspects of the project, should be sensitive to the unique patterns, subtleties and diverse character of the surrounding landscape. Refer to the Guidance Document – Landscape Design Approach (HS2-HS2-EV-GDE-000-000002) for requirements and guidance relating to landscape integration.

4.6 Land ownership

- 4.6.1 Almost all public rights of way are located on private land, but this has no bearing on the public's right to use the route without let or hindrance.

NOTE – No landowner or member of the public can obstruct or otherwise cause an unlawful interference to a public right of way, and to do so is a criminal offence under the Highways Act 1980.

Private access rights

- 4.6.2 In the event that a public right of way along a track or lane is stopped up (extinguished), any existing private rights of access will remain. However, great care needs to be taken to ensure that no other party relies on the public right of way to access land or other property further along the route. If they do, new private rights – either along this route or by means of another – will have to be secured for them.

NOTE – The same would apply to any new private accesses required (e.g. for a nearby landowner or an HS2 vehicular access for the future operation / maintenance of HS2) where it is intended that this would follow the alignment of a public right of way to be stopped up.

Construction sites

- 4.6.3 Consideration should be given at an early stage to the need for construction sites required for any overbridges, underbridges, underpasses or other structures associated with public rights of way works.

4.7 Provision for future development

- 4.7.1 New, realigned or diverted public rights of way should only be designed where required to mitigate the impacts of the scheme. It is not within the scope of HS2 to provide 'betterment' to the existing highway network.
- 4.7.2 When designing public right of way mitigation, the highway network should be considered as the existing network plus any committed schemes.
- 4.7.3 Where highway authorities or third parties have planned future developments or aspirations that will impact on public rights of way and are not yet committed, consideration should be given to ensuring – where reasonably practicable - that the design does not preclude these plans from occurring. However any provision over and above what is required to mitigate the scheme should be considered only where the cost and programme impact to HS2 is minimal.

NOTE – Where in doubt as to whether a development is 'committed' or not, please consult with HS2 Technical Directorate.

4.8 Promoted routes

- 4.8.1 A large number of different types of promoted routes exist. Whilst many of the historically popular long-distance routes have become promoted routes, other routes have become popular largely as a result of becoming a promoted route.

NOTE – Being a promoted route confers no extra status to a public right of way, but because of their greater public awareness they can become more sensitive issues if any changes are proposed.

European Long Distance Paths (E-paths)

- 4.8.2 A network of 12 international European Long Distance Paths (E-paths) has been established by walkers' and ramblers' groups who are members of the European Ramblers Association. Three of these routes (E-2, E-8 and E-9) have lengths within the UK which run along a chain of public rights of way.

National Trails

- 4.8.3 National Trails are a network of 15 long distance routes in England and Wales (with the Scottish equivalent being called Long Distance Routes). Starting with the Pennine Way, this network now includes the Ridgeway and the Thames Path and is mainly funded by Natural England and the Countryside Council for Wales. In addition to linking public footpaths, increasing provision for cyclists and equestrians is being made in the network.

Recreational routes

- 4.8.4 In addition to the National Trails, there is a much larger network of recreational routes (often developed by local authorities in association with user groups). Most recreational routes are intended for walkers, but routes for cyclists and equestrians have also been developed. Recreational routes are usually waymarked with a special logo or the route name, and many of them (such as the Icknield Way and the Aylesbury Ring) are shown on Ordnance Survey maps.

Unwaymarked routes

- 4.8.5 There are also a number of widely known, but unofficial, unwaymarked routes using the public rights of way network with the most famous perhaps being Wainwright's Coast to Coast route. Other examples of off-road routes developed (controversially in some cases) by four-wheeled-drive clubs. Despite not being shown on Ordnance Survey maps, such routes are often featured in other publications and can be very popular.

Community routes

- 4.8.6 At a more local level, many parish councils and local user or amenity groups have developed their own circular routes – often with a nature or history theme – using footpaths or bridleways (usually public, but sometimes with permissive sections as well). Although not

widely promoted outside the locality, guides can often be found in Tourist Information Offices or public libraries and community routes can be well used by visitors and residents alike.

National Cycle Network

- 4.8.7 Since 1995, a national network of some 13,400 miles of cycle-friendly routes has been developed by Sustrans. In addition to bridleways and other public rights of way and permissive off-road routes where cycling is allowed, the network also includes many lengths of quieter urban roads and country lanes.

National Bridleroute Network

- 4.8.8 The British Horse Society is promoting a National Bridleroute Network which aims to offer similar benefits for horse riders to those enjoyed by cyclists using the National Cycle Route.

4.9 Temporary impacts during construction

General

- 4.9.1 Refer to the following information papers for the management of temporary impacts on public rights of way during construction:
- D11 – Maintaining access to residential and commercial property during construction
 - E13 – Management of traffic during construction
 - E14 – Highways and traffic during construction – legislative provisions
- 4.9.2 Information Paper E14 explains that the hybrid Bill allows the Nominated Undertaker to temporarily interfere with highways, including public rights of way. This power means that the need for a Temporary Traffic Regulation Order (TTRO) made under the Road Traffic Regulation Act 1984 is unlikely for works affecting public rights of way.

4.10 HS2 nomenclature

- 4.10.1 The following terms should be used when referring to highway alterations (including for public rights of way):
- **Realignment** – where a new alignment is to be provided between points 'A' and 'B' on the same route (refer to Figure 1)
 - **Diversion** – where the existing route between points 'A' and 'B' is to be replaced by a new route from point 'A' to a different point 'C', no longer passing through point 'B' (refer to Figure 1)
 - **Reinstatement** – where a route is to be re-provided more-or-less on the same alignment, e.g. over a green tunnel
 - **Closure** – where all or part of a route is to be stopped up without replacement

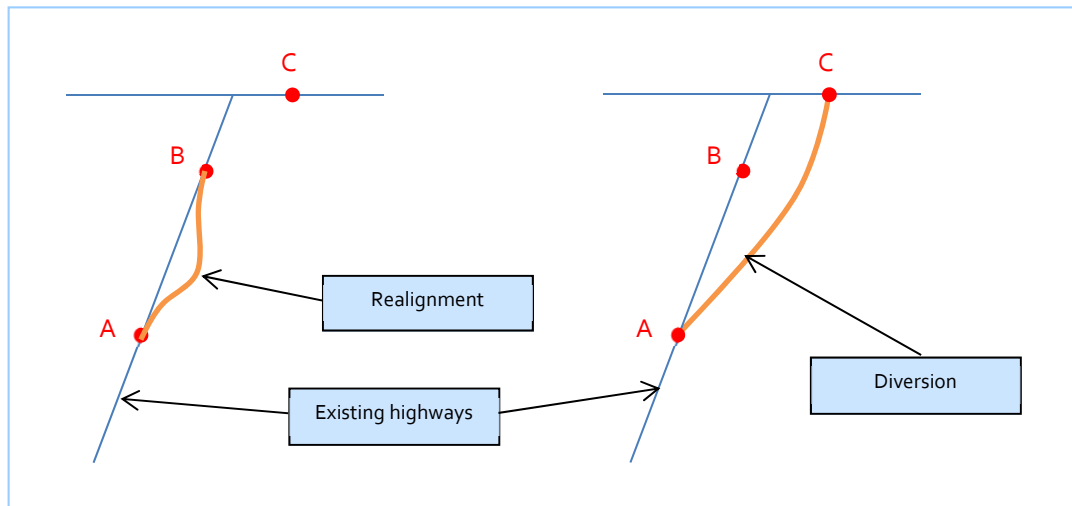


Figure 1: Realignment versus diversion

5 Alignment and crossings

5.1 Guiding principles for alignment design

- (i) All works – both temporary and permanent – affecting public rights of way should provide reasonably convenient route continuity for the class(es) of users legally entitled to use them.
- (ii) Potential adverse impacts of HS2 on public rights of way should be 'designed out' where reasonable practicable to do so.
- (iii) Where adverse impacts on public rights of way are unavoidable, appropriate and proportionate mitigation measures must be incorporated into the design.

5.1 Realignments and diversions

General

- 5.1.1 Refer to Information Paper 'E5 – Roads and public rights of way' for the general approach to be taken for the design of public rights of way. Other useful guidance when developing and assessing alignment and crossing options is contained in DMRB advice note TA 91.
- 5.1.2 There are several aspects to consider when selecting an alignment for a public right of way. These are listed below in no particular order of importance.

Desire line

- 5.1.3 Non-motorised users (and in particular pedestrians) have a tendency to take the shortest route possible. If a non-motorised user is starting at Point 'A', and wants to get to Point 'B', then the quickest route between the two points is known as the 'desire line'.

NOTE – Refer to Figure 2 for a visual example of desire lines within Hyde Park, London.

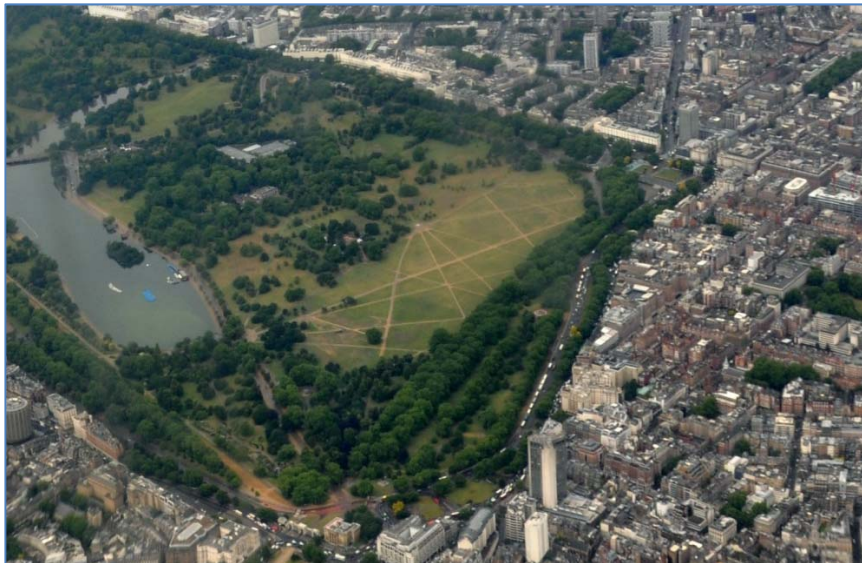


Figure 2: Aerial image of Hyde Park

- 5.1.4 Realigned or diverted public rights of way should follow the desire line of users where possible.

Sharp bends

- 5.1.5 Sharp bends (with an internal angle more acute than 90 degrees) should be avoided where possible (in both temporary and permanent realignments and diversions) to discourage users 'cutting off' corners. Cyclists and equestrians can also struggle to negotiate sharp bends, depending on the speed that they are travelling.
- 5.1.6 The risk of 'cutting off' corners can be reduced by the use of hedging / fencing, but this may increase visual impact in areas where public rights of way are not usually confined by boundary features on both sides (e.g. cross-field and field-edge routes).

Routes parallel to HS2

- 5.1.7 Realignments or diversions adjacent to HS2 will likely have reduced amenity compared to the existing alignment, due to the noise and/or visual effect of HS2.

- | | |
|-------|--|
| 5.1.8 | Public rights of way that allow use by equestrians shall not run closely parallel to HS2 unless a risk assessment has been conducted demonstrating that it is unlikely that horses will become startled. |
|-------|--|

Minimising impacts on farms

- 5.1.9 Whilst there are many existing public rights of way that pass across fields, it is preferred that any realigned or diverted public right of way should follow existing field boundaries. This is particularly the case for cultivated fields, as the need to create a walkable cross-field path through the field can cause difficulties for farmers and users.

NOTE – Where public rights of way are proposed to be realigned or diverted adjacent to or through fields, the local farmer should be consulted at an early stage to determine the land usage.

Minimising impacts on residents

- 5.1.10 Consideration should also be given to potential impacts of realigning or diverting public rights of way close to existing residents, as public rights of way that pass by the back fence of properties can pose privacy issues.

5.2 Crossing types

General

- 5.2.1 Public rights of way can cross the alignment of HS2 via an overbridge, underbridge, underpass, or by following the existing ground level where HS2 is on a viaduct or in a tunnel.
- 5.2.2 Overbridges, underbridges and underpasses can either be provided solely for the public right of way, or can be designed to cater for other purposes as well, such as:
- Being coincident with accommodation accesses (overbridges, underbridges and underpasses)
 - Being coincident with HS2 accesses (overbridges, underbridges and underpasses)
 - Combining with watercourse crossings (underbridges and underpasses)
- 5.2.3 The type and location of public right of way crossings is often influenced by factors such as the:
- Need to provide accommodation access across HS2 in a similar location (e.g. to link up two fields of a farm)
 - Need to provide HS2 access across HS2 in a similar location (so that HS2 assets can be maintained)
 - Proximity to other public rights of way that cross HS2
 - Proximity to roads that cross HS2
 - Proximity to watercourses that cross HS2
 - Proximity to utilities that cross HS2
 - Environmental constraints
 - Land and property constraints

NOTE – Refer to Technical Standard – HS2 Accesses (HS2-HS2-HW-STD-000-000004) and Technical Standard – Accommodation Accesses (HS2-HS2-HW-STD-000-000005) for further details on requirements and guidance for accesses.

Skew

- 5.2.4 Overbridges, underbridges and underpasses can be either skewed or perpendicular to HS2. Skewed crossings are generally not preferred due to their increased cost, however there may

be cases where skewed crossings are appropriate (such as to avoid tight bends on busier bridleways and byways, or for public rights of way that following an ancient route alignment).

On-line versus off-line crossings

5.2.5 Overbridges, underbridges and underpasses can either be designed as on-line or off-line crossings. The potential advantages and disadvantages of each are described in Table 2.

Table 2: On-line crossing – HS2 in deep cutting

	On-line crossing	Off-line crossing
Advantages	Less permanent additional length for public right of way users	No temporary realignment or closure required
Disadvantages	Temporary realignment or closure required	Additional permanent length for public right of way users

NOTE – As most temporary public right of way realignments can be provided at minimal cost, on-line overbridges are often preferred in the absence of other constraints.

5.1 Public right of way crossings remote from other highways

5.1.1 There are three typical situations for consideration when designing a public right of way crossing remote from other highways. Refer to Table 3 for a comparison of each scenario.

Table 3: Comparison of typical scenarios and associated crossing types, where cells shaded green indicate low potential negative impact, amber indicate some potential negative impact and red indicate greater potential negative impact.

HS2 route earthworks	HS2 in deep cutting	HS2 on high embankment	HS2 close to existing ground level	
Crossing type	Overbridge	Underbridge / underpass	Overbridge	Underbridge / underpass
Severance	None - minimal	None - minimal	Steeper gradients on approach embankments may introduce severance to some users	Steeper gradients on approach cuttings may introduce severance to some users
Visual impact*	Limited impact associated with structure	Minimal impact	Impact associated with approach embankments and structure	Limited impact associated with approach cuttings
Maintenance considerations	None – minimal	May require street lighting	None - minimal	May require street lighting and/or pumped drainage

** NOTE – Consideration should be given to the visual impact of HS2 as a whole (including railway earthworks) rather than just the crossing.*

5.2 Combined public right of way crossings

5.2.1 Combined crossings allow multiple public rights of way that are in close proximity to cross HS2 using the one structure. In many cases the alternative of providing dedicated crossings for each public right of way cannot be justified. Combined crossings can be either centred or offset, as described below.

5.2.2 Where two public rights of way of a different status (e.g. one a footpath, the other a bridleway) are to be joined locally at a combined crossing, the section where they are combined shall be given the higher status.

Centred

5.2.3 A centred off-line crossing may be provided at a suitable location between the points where the original routes of the public rights of way intersect the HS2 route (as illustrated in Figure 3). This means that temporary diversions are not required during construction and that the additional length to public right of way users is shared between the two public rights of way.

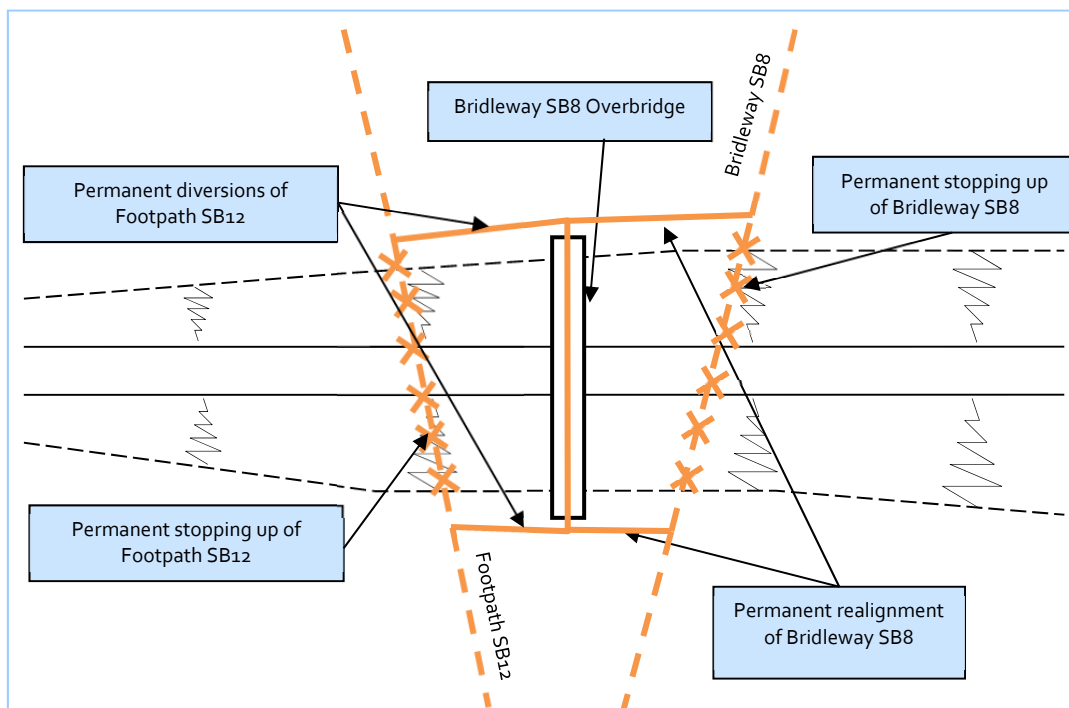


Figure 3: Combined crossing – centred

Offset

5.2.4 An on-line crossing may be provided for one of the public rights of way with diversions being required on each side of HS2 for the other (as illustrated in Figure 4). This is generally provided when one of the two public rights of way has a higher status or significantly heavier usage than the other, resulting in a permanent diversion for the less-used public right of way only.

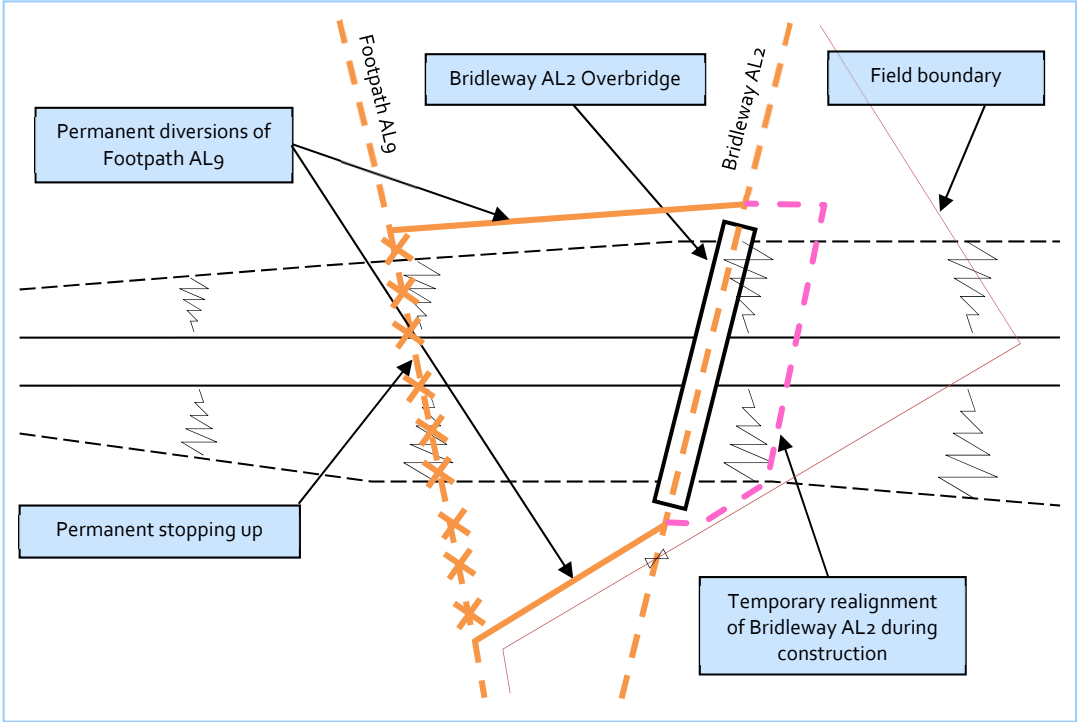


Figure 4: Combined crossing – offset

5.3 Diversion to a road crossing

5.3.1 In some situations it may be appropriate to divert a public right of way to a nearby road that crosses HS2 (as shown in Figure 5). This is often proposed where the cost associated with a dedicated public right of way overbridge, underbridge or underpass cannot be justified. The potential advantages and disadvantages of this solution are summarised in Table 4.

5.3.2 It is not possible to have a public right of way coincident with a road, as both are types of highway. Public rights of way that are diverted to a road shall stop at the road boundary.

NOTE – Refer to Technical Standard – Roads (HS2-HS2-HW-STD-000-000001) for details on provision for non-motorised users along roads.

Table 4: Use of other crossings – simple diversions

Potential advantages	Potential disadvantages
<ul style="list-style-type: none">No structure costNo visual impactCan be constructed without a temporary diversion or closure of the public right of way	<ul style="list-style-type: none">Requires a permanent diversionLengthening of journeys for users, depending on separation between routesPart of the route may not be user friendly (e.g. busy road)

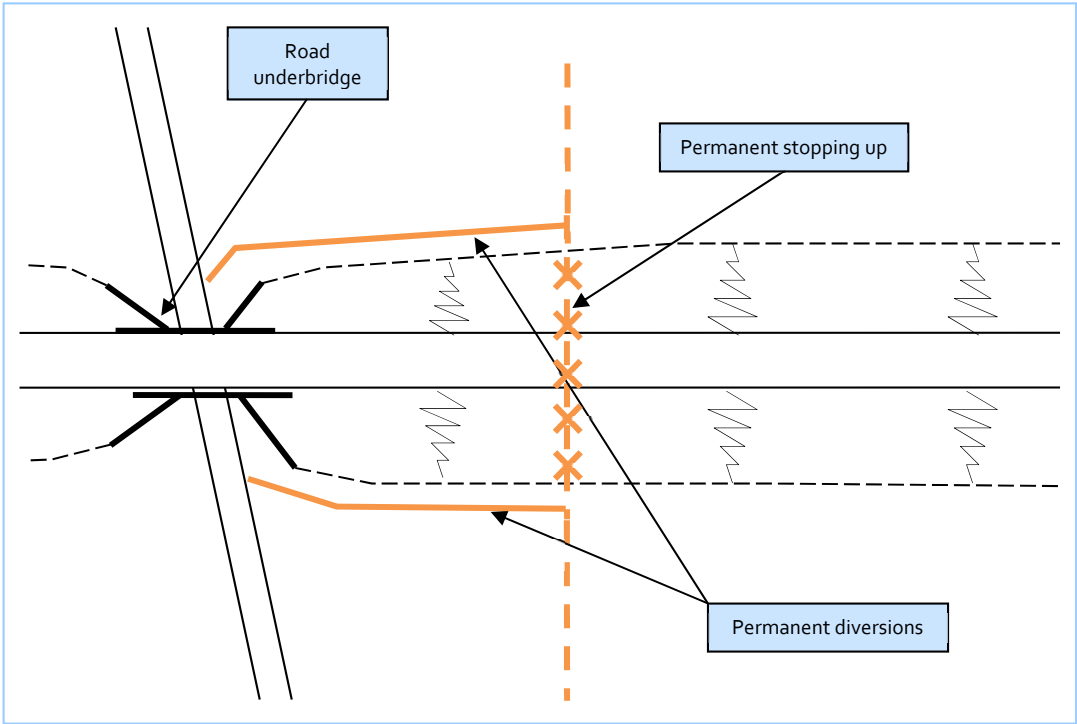


Figure 5: Diversion to a road crossing

5.4 Permanent closures

5.4.1 In certain circumstances, it may be appropriate to stop up (extinguish) an existing public right of way altogether. One example might be where a 'dead end' route has no connections on one side of the HS2 route, as illustrated in Figure 6 (but see Clauses 2.5.8 to 2.5.10 for further discussion of this topic). The potential advantages and disadvantages of this solution are summarised in Table 5.

Table 5: Permanent closure

Potential advantages	Potential disadvantages
<ul style="list-style-type: none">• No structure cost• No visual impact• No temporary diversion or closure required	<ul style="list-style-type: none">• Requires a permanent stopping-up• Major severance impact (unless a 'dead end' route)• Lengthening of journeys for users, depending on availability of alternative routes• Alternate routes may not be user friendly (e.g. busy road)

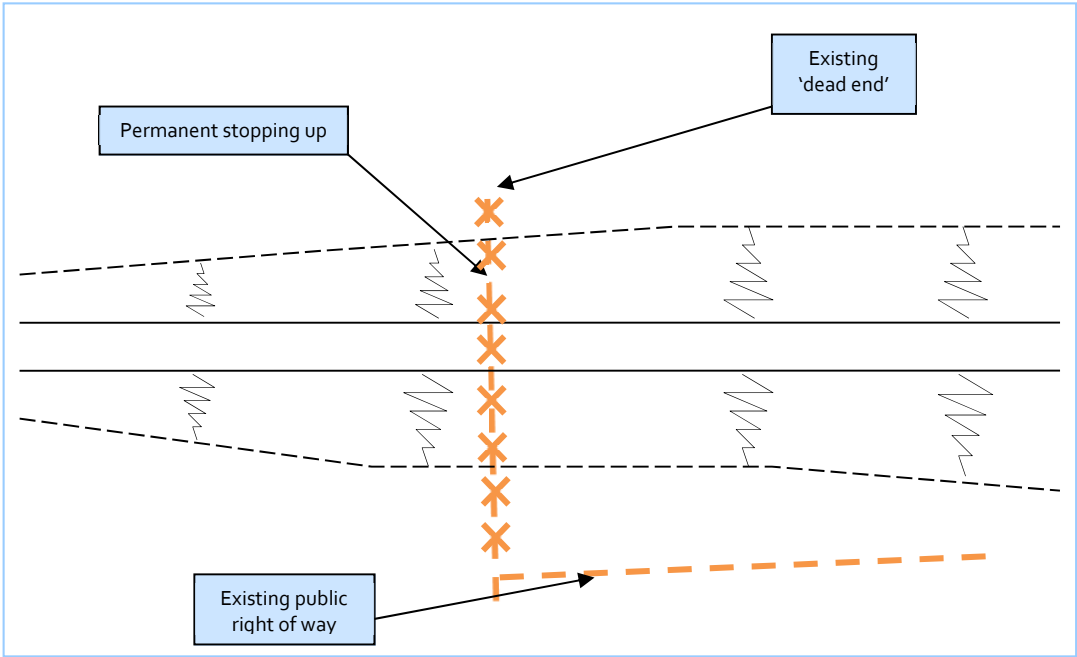


Figure 6: Permanent closure

6 Legal width

General

- 6.1.1 The Definitive Maps have statements associated with them which may quote a minimum or fixed legal width of public rights of way, as described in Section 2.5.
- 6.1.2 Legal width should be considered separately from the 'surfaced width', which relates to the width of any surfacing provided along the public right of way, though they may be the same width (refer to Clause 7.2.5 for details on surfaced width).

6.1.3 Any fixed or minimum width quoted in the statement accompanying the Definitive Map for a particular public right of way shall be used for realignments or diversions of that public right of way (except where a quoted width is smaller than given in Clause 6.1.4 to Clause 6.1.8 and an increase is agreed with the local highway authority).

Minimum width

- 6.1.4 Appropriate legal widths for each type of public right of way shall be discussed with the highway authority, with any variances to be considered on a case-by-case basis to take account of local constraints and landscape character. However, the absolute minimum requirements are given below.

6.1.5 Footpaths which are cross-field paths shall have a width not less than 1 metre.

6.1.6 Footpaths which are not cross-field paths shall have a width not less than 1.5 metres.

- 6.1.7 Bridleways which are cross-field paths shall have a width not less than 2 metres.
- 6.1.8 Any other public right of way (e.g. a bridleway which is not a cross-field path, a restricted byway or a byway open to all traffic) shall have a width not less than 3 metres.

NOTE – The minimum widths given above are the values given in the Rights of Way Act 1990 for the statutory minimum widths to be kept clear from interference by crops and for reinstatement after disturbance (e.g. ploughing).

Public rights of way coincident with an access

- 6.1.9 The minimum width of a public right of way coincident with a private access should be the greater of the width required for the public right of way and that required for the access.

NOTE – Refer to Technical Standard – HS2 Access (HS2-HS2-HW-STD-000-000003) and Technical Standard – Accommodation Access (HS2-HS2-HW-STD-000-000004) for details of width requirements for HS2 and accommodation accesses respectively.

Public rights of way between two boundary features

- 6.1.10 Where a public right of way passes between two boundary features (such as hedges, fences and/or walls), the legal width should be the full width between one boundary feature and the other (except where this width is less than the minimum widths given in Clauses 6.1.4 to 6.1.9).

Overbridges

- 6.1.11 The legal width of public rights of way on overbridges (including those coincident with accesses) should be the distance between parapets, except where the overbridge is divided by a boundary feature (such as to separate livestock from non-motorised users), in which case the legal width should be the distance between the parapet and the boundary feature.

NOTE – The legal width of public rights of way on green bridges should only be the portion of the bridge accessible to the public.

Underbridges and underpasses

- 6.1.12 The legal width of public rights of way passing through underbridges or underpasses (including those coincident with accesses) should normally be the distance between the adjacent abutments, piers or walls of the structure, except:
- where the span is separated by a boundary feature (such as to separate livestock from non-motorised users) in which case the legal width should be the distance between the boundary feature and the adjacent abutment, pier or wall
 - where the underbridge or underpass is shared with a watercourse in which case the legal width should be the distance between the bank of the watercourse and the adjacent abutment, pier or wall

7 Engineering aspects

7.1 Guiding principles for engineering design

- (i) All works – both temporary and permanent – affecting a public right of way should aim to retain the existing character and distinctiveness of the route wherever feasible.
- (ii) Therefore, as a general rule, the starting point for design should be the existing engineering parameters when a public right of way is diverted or reinstated.
- (iii) For new routes, the requirements should be based on other similar public rights of way of the same status in the area.
- (iv) All works should be designed to minimise, as far as is reasonably practicable, future maintenance requirements.

7.2 Surfacing

General

- 7.2.1 The majority of existing public rights of way are unsurfaced and may comprise of a path that is visible due to the passage of other users. In some cases the public right of way may not be visible on the ground at all, except for signage or way-marker posts where provided. Other public rights of way do have some form of surfacing.

NOTE – Refer to Appendix A for photos of some typical public rights of way.

- 7.2.2 Apart from on overbridges or inside underpasses, application of guiding principle (ii) (see Section 7.1) means that any unbound or paved surfacing should only be provided on a 'like for like' basis.

Public rights of way coincident with an access

- 7.2.3 The surfacing of public right of way coincident with an access is normally determined by the requirements for the access.

NOTE – Refer to Technical Standard – HS2 Access (HS2-HS2-HW-STD-000-000003) and Technical Standard – Accommodation Access (HS2-HS2-HW-STD-000-000004) for details of surfacing requirements for HS2 and accommodation accesses respectively.

Surfacing

- 7.2.4 Where surfacing is provided (either unbound or paved), the surfacing material shall respond to the local landscape character and be of a type suitable for the usage allowed by the status of the public right of way, including during periods of inclement weather.

- 7.2.5 The width of surfacing shall be the same as the legal width as detailed in Section 6, except where a lesser width is agreed with the highway authority (e.g. where a grass verge on one or both sides is deemed appropriate).

7.3 Gradient

General

- 7.3.1 The existing topography has a significant influence on the gradient of public rights of way, as they generally follow the natural ground level. However gradients steeper than the existing may be required where they pass over or under HS2.

Footpaths

- 7.3.2 Footpaths preferably should not exceed 1:20, unless steeper gradients are already a feature of the route. An increase in gradient to 1:15 may be appropriate in situations where the footpath alignment is constrained or to reduce environmental impacts.

- 7.3.3 Footpaths shall not be steeper than 1:12 unless gradients steeper than this are already a feature of the route, in which case the gradient shall not exceed the existing maximum prevailing gradient.

Bridleways, restricted byways and byways open to all traffic

- 7.3.4 Bridleways, restricted byways and byways open to all traffic preferably should not exceed 3%, unless steeper gradients are already a feature of the route.

- 7.3.5 Bridleways, restricted byways and byways open to all traffic shall not be steeper than 5% (100 metres maximum) or 7% (30 metres maximum) unless gradients steeper than this are already a feature of the route, in which case the gradient shall not exceed the existing maximum prevailing gradient.

NOTE – The gradients given above are governed by the needs of cyclists, as equestrians and vehicles can typically accommodate steeper gradients than cyclists. The British Horse Society advice on specifications and standards for equestrian routes states that "for general purposes, a gradient of 1 in 12 is the ideal maximum for ridden use."

NOTE – The former Cycling England, an independent body funded by the Department for Transport to promote cycling in England, provided detailed design guidance for maximum gradient. This, together with other useful guidance, is available from the Chartered Institute of Logistics and Transport (CILT) and Sustrans websites.

Approaches to overbridges

- 7.3.6 Approaches to overbridges should generally be designed as embankments as opposed to steel or concrete structures, as embankments are more in-keeping with a rural setting and

allow for space for landscaping. See Figure 7 for a typical example of an approach embankment to a public right of way overbridge.

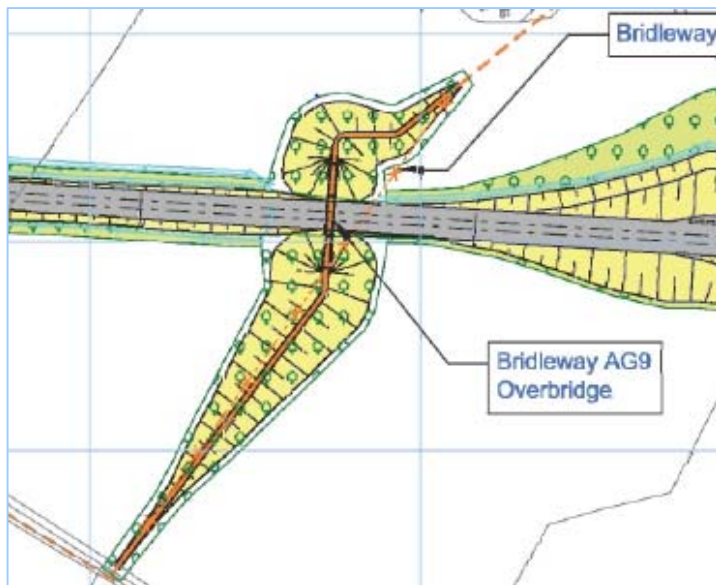


Figure 7: Approach embankment to a public right of way overbridge

Steps and ramps

- | | |
|-------|---|
| 7.3.7 | Steps or ramps on public rights of way shall be in accordance with DMRB standards BD 29 (for overbridges) and TD 36 (for underbridges and underpasses). |
|-------|---|

NOTE – Any paved approaches to overbridges, underbridges or underpasses should be considered 'ramps' as described in DMRB standard BD 29 and DMRB standard TD 36.

7.4 Other geometric parameters

- 7.4.1 For reinstatement works and diversions not requiring earthworks, guiding principle (ii) (see Section 7.1) should apply.
- 7.4.2 In other situations, the guidance given in DMRB advice note TA 90 should apply, however within the context of the local landscape character – refer to Section 4.5 for further details.

7.5 Structures

Public rights of way coincident with an access

- 7.5.1 Refer to Technical Standard – HS2 accesses (HS2-HS2-HW-STD-000-000003) for details on overbridges, underbridges and underpasses that cater for both public rights of way and HS2 accesses.

- 7.5.2 Refer to Technical Standard – Accommodation accesses (HS2-HS2-HW-STD-000-000004) for details on widths of overbridges, underbridges and underpasses that cater for both public rights of way and accommodation accesses.

Width

- | | |
|-------|--|
| 7.5.3 | The width of an overbridge carrying a footpath or bridleway shall be in accordance with DMRB standard BD 29. |
| 7.5.4 | The width of an underpass carrying a footpath or bridleway shall be in accordance with DMRB standard TD 36. |
| 7.5.5 | The width of an overbridge, underbridge or underpass carrying a restricted byway or byway open to all traffic shall be, as a minimum, that of the associated route on each approach (and in no case less than that for a bridleway). |

Headroom

- | | |
|-------|--|
| 7.5.6 | The headroom for a pedestrian or bridleway underpass shall be in accordance with DMRB standard TD 36. |
| 7.5.7 | The appropriate headroom for an underbridge or underpass carrying a restricted byway or byway shall be considered on a case-by-case basis, taking account of the size of any vehicles that may reasonably be expected to use the bridge (but in no case less than that for a bridleway, where an equestrian does not have to dismount to pass through the underbridge or underpass). |
| 7.5.8 | Where public rights of way are coincident with accesses, the headroom shall be the greater of that required for the public right of way and that required for the accommodation access or HS2 access. |

Other aspects

- 7.5.9 Refer to the following documents for all other requirements relating to public right of way overbridges:
- Hybrid Bill design – Deliverable Approach Statement – Overbridges (HS2-HS2-BR-DAS-000-000001)
 - Post-hybrid Bill design - Technical Standard – Overbridges (HS2-HS2-BR-STD-000-000003)
- 7.5.10 Refer to the following documents for all other requirements relating to public right of way underbridges:
- Hybrid Bill design – Deliverable Approach Statement – Viaducts and underbridges (HS2-HS2-BR-DAS-000-000002)

- Post-hybrid Bill design - Technical Standard – Underbridges and viaducts (HS2-HS2-BR-STD-000-000002)

7.5.11 Refer to the following documents for all other requirements relating to public right of way underpasses:

- Hybrid Bill design – Deliverable Approach Statement – Viaducts and underbridges (HS2-HS2-BR-DAS-000-000002)
- Post-hybrid Bill design - Technical Standard – Culverts and underpasses (HS2-HS2-BR-STD-000-000005)

7.6 Earthworks

7.6.1 Refer to Technical Standard – Earthworks (HS2-HS2-GT-STD-000-000001) for details of engineering earthworks associated with public rights of way.

7.7 Boundary features

7.7.1 Public rights of way are not required to have boundary features, such as fences, walls or hedges. However many public rights of way have some form of boundary feature, which is the responsibility of the land owner. Typical functions that boundary features serve where adjacent to public rights of way include:

- To demarcate the extent of the public's right of way (to discourage trespass by the public)
- To provide privacy (particularly to back-yards of residential properties)
- To restrict the movement of livestock

7.7.2 A public right of way can pass through boundary feature in one of the following ways – through a gap, through a gate or over a stile.

Gates

7.7.3 Gates on public rights of way shall only be installed where necessary to control livestock, and shall be of a type suitable for operation by disabled people.

7.7.4 The guidance 'Advice on Gaps, Gates and Vehicles Barriers' by the British Horse Society should be followed for all public right of way gates where equestrians are permitted.

Motorbike inhibitors

7.7.5 Motorbike inhibitors shall only be provided where there is a demonstrable history of illegal use of public rights of way by motorbikes.

Stiles

7.7.6 Pedestrian stiles shall not be used.

- 7.7.7 Equestrian stiles (also known as 'hop-over gates') are not preferred since they are inconvenient to cyclists and difficult to negotiate for some equestrians, and should only be installed where the use of a conventional gate is not appropriate. Refer to the guidance 'Advice on Gaps, Gates and Vehicles Barriers' for more details.

7.8 Signs

- 7.8.1 A 'finger post' sign indicating the presence of a public right of way shall be provided at each junction of a new, realigned or diverted public right of way with another highway (road or public right of way).

- 7.8.2 Refer to standard detail drawings HS2-CSI-HW-DDE-000-007001-FD to HS2-CSI-HW-DDE-000-007003-FD for details of signs and waymarkers for public right of way.
- 7.8.3 Other signs, such as signs identifying promoted routes, should be identified in collaboration with the local highway authority.

7.9 Street furniture

- 7.9.1 Whilst public rights of way are exactly that – rights of access for the public to pass on private land – the landowner may agree to street furniture being placed on their land to cater for public right of way users. This may include resting points, litter bins and information boards.

NOTE – Typically street furniture for public right of way users is only appropriate where the land owner is a local authority or highway authority, unless alternative arrangements are made with the landowner for the maintenance of the street furniture.

7.10 Errant vehicle protection

- 7.10.1 Public rights of way that pass near or over HS2 and permit the usage of non-motorised or motorised vehicles may require errant vehicle protection. Refer to Technical Standard – Errant vehicle protection (HS2-HS2-HW-STD-000-000005) for further details.

7.11 Drainage

- 7.11.1 Refer to Technical Standard – Highway and access drainage (HS2-HS2-DR-STD-000-000002) for requirements and guidance for highway drainage.

7.12 Lighting

General

- 7.12.1 Application of guiding principle (ii) (see Section 7.1) means that lighting should only be provided on a 'like for like' basis.

NOTE – In the countryside, usage of public rights of way during the hours of darkness is likely to be minimal (and where it occurs, users are likely to be using torches anyway)

NOTE – Particular difficulties can arise in the urban fringes where structures such as underpasses may be perceived (rightly or wrongly) as a source of anti-social behaviour.

Underpasses and underbridges

- 7.12.2 The only potential exception to the guiding principle (ii) (see Section 7.1) is at new underpasses and underbridges.

- | | |
|--------|--|
| 7.12.3 | A risk assessment shall be carried out for each underpass and underbridge to determine whether the provision of lighting is justified. |
|--------|--|

7.13 Safety

- | | |
|--------|---|
| 7.13.1 | Non-motorised user audits shall be undertaken in accordance with DMRB standard HD 42 for all public rights of way |
|--------|---|

NOTE – In the case of diversions requiring public rights of way users to walk / ride along a length of road (see example in Section 8.5.2), non-motorised user safety will also be considered during the road safety audits carried out in accordance with DMRB standard HD 19; refer to Technical Standard – Roads (HS2-HS2-HW-STD-000-0000001) for further details.

8 Further sources of information

- 8.1.1 Refer to the 'Rights of way and accessing land' pages on the gov.uk website for further information on public rights of way, 'right to roam' and access to private land.
- 8.1.2 The Planning Inspectorate's 'Countryside, Access and Environmental Casework' pages on the Planning Portal website provide useful further information on public rights of way.
- 8.1.3 The 'Blue Book' – 'Rights Of Way: a guide to law and practice' by John Riddall and John Trevelyan, published by the Ramblers' Association and the Open Spaces Society also provides useful guidance.

Appendix A – Typical public rights of way



Footpath – cross-field (not cultivated)



Footpath – cross-field (cultivated)



Footpath – edge-of-field



Footpath – through woodland



Bridleway (courtesy of Harrison 49, Wikicommons)



Restricted Byway (courtesy of Evelyn Simak, Wikicommons)



Byway open to all traffic (*courtesy of Martin, geography.co.uk*)



Public right of way coincident with an accommodation access

BB 09

Report of Public Rights of Way Manager

Report to Parks and Countryside Management Team

Date: 26th April 2013

Subject: Diversion of Morley Footpath No. 37 onto a Bridge Over the Railway

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Morley North & South	
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

1 Purpose of this report

- 1.1 To consider the making of a Public Path Diversion Order under Section 119A of the Highways Act 1980 to divert part of Morley Footpath No. 37 from a level crossing to a bridge over the railway line as shown on Background Document A.

2 Main issues

- 2.1 The Natural Environment Manager has authority to take decisions relating to the diversion of public rights of way under Section 119A of the Highways Act 1980 as set out in the Constitution under Part 3, Section 2C, Officer Delegation Scheme (Council (non-executive) functions), Director of Environment & Neighbourhoods (cc).
- 2.2 Section 119A of the Highways Act 1980 enables a Council as respects to a footpath, bridleway or restricted byway that crosses a railway in their area that, if it is expedient in the interests of the safety of members of the public using it or likely to use it that the path or way, should be diverted, to make a Diversion Order.
- 2.3 An application was previously made by Network Rail to completely extinguish the footpath on the grounds of public safety but was turned down due to considerable objection and because the crossing was safe and the alternative longer and less convenient for the public.
- 2.4 Although the level crossing in this location is considered safe if used properly there has been a death on the line here and there have been a number of issues

on and around the crossing that could cause a safety issue to members of the public using the crossing and rail users.

- 2.5 The level crossing is located on the Trans-Pennine Leeds to Manchester railway line, which as part an enhancement programme, will see an increase in the number of train services in coming years which would increase the risk to footpath users on a level crossing.
- 2.6 There are a number of development plans in the surrounding area including a cinema complex and extensions to the White Rose Shopping Centre and housing developments. It is also believed that there will be a number of other housing developments proposed within the next ten years. This is likely to lead to a significant increase in footpath user on the crossing and an increased safety risk to members of the public.
- 2.7 The diversion of the footpath from the level crossing onto a bridge over the railway line would remove pedestrians from the railway line and subsequently increase the safety of the public using the footpath and the railway line.
- 2.8 Due to some gas and sewerage pipes it is not possible to install the bridge on the exact line of the level crossing so it will be approximately fifty metres to the east. Background Document B shows the plans for the new bridge which has already been granted planning permission. The bridge will have a cage over it to prevent items falling onto the railway line and will meet the specifications required if the line is electrified.
- 2.9 Although the bridge will have steps on which can be more difficult for some footpath users, the location of the crossing, the length of the footpath network here and the stiles that exist on the crossing means that it is likely to have little impact on less able footpath users.

3 Corporate Considerations

3.1 Consultation and Engagement

- 3.1.1 Although consultation is only required with other local authorities consultation was also undertaken with Statutory Undertakers, Prescribed Organisations, Local Footpath Groups, local residents who enquired about the Temporary Traffic Regulation Order on the crossing, Morley Town Council, Ward Members and appropriate Council Departments. Meetings have also been held with user groups, Ward and Town Councillors, Network Rail, Public Rights of Way Staff and the White Rose Shopping Centre about the various rights of way proposals in the area.
- 3.1.2 The ward councillors and local user groups support the diversion of the footpath from the level crossing to the railway line.
- 3.1.3 Another local resident supported the diversion but requested the diversion be shortened where possible. It has not been possible to relocate the footpath on the northern side to a more direct route as this would take it onto another parties land and it would be across a field rather than on a track making it less easy to use.

On the south side Network Rail have agreed to come straight from the bridge to the existing footpath rather than doubling back within their land to the original level crossing point as in their application. He also made some additional comments about the connecting footpaths but these are outside the scope of the Diversion Order.

- 3.1.4 The Peak and Northern Footpaths Society are pleased that the Extinguishment Order has been dropped and do not object to the proposed diversion so long as the new bridge will be as compliant with current disability legislation as possible. Users should not be disadvantaged by having to climb long flights of steps to replace a crossing which is currently reasonably level. The new crossing will be stepped but there will be hand rails and landings to assist users. The remote location of the crossing will mean that it is likely to have little impact on less able footpath users.
- 3.1.5 Cable and Wireless have apparatus alongside the railway line and will object unless their apparatus can be safeguarded and a wayleave agreement entered into. It is believed that there is already a wayleave to access their equipment with Network Rail as it runs alongside the railway for a considerable distance. The bridge foundations are not over Cable and Wireless's apparatus. Confirmation of this has been requested from Network Rail.

3.2 Resources and Value for Money

- 3.2.1 The cost of making and advertising the necessary Public Path Diversion Order is to be met by Network Rail. The cost of installing and maintaining the bridge will also be met by Network Rail. The cost of installing the bridge will be in the region of £900,000. If the Order is opposed, referred to the Secretary of State and is taken to Public Inquiry, then the additional costs are incurred, not covered by the landowner. Public Inquiry will cost approximately between £3000 and £7000.

4 Conclusions

- 4.1 The diversion will ensure the safety of the public using the footpath by diverting the section over the level crossing to a bridge over the railway. Network Rail will install and pay for the bridge.

5 Recommendations

- 5.1 The Natural Environment Manager is requested to authorise the City Solicitor:
 - (a) to make and advertise a Public Path Diversion Order in accordance with Section 119A of the Highways Act 1980, in respect of part of Morley Footpath No. 37 shown on the map attached at Background Document Aand
 - (b) to confirm the Order, subject to there being no objections or in the event of objections which cannot be withdrawn, for the order to be referred to the Secretary of State, Department of the Environment, Food and Rural Affairs for determination.

6 Background Documents ¹

6.1 Background Document A Map of the Proposed Diversion

6.2 Background Document B Plan of the Proposed Bridge

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.