



## Public Rights of Way

### Standards and Guidance for Development

Public Rights of Way (PROW) can positively contribute to open space provision and the access network for a development site.

The aim of the guidance is to define standards and give associated advice so that all involved in the planning and development process consider public rights of way at an early stage in the planning process and more importantly designed into a development proposal to deliver the most sustainable and viable scheme.

### The Impact of Development on Rights of Way

PROW run through all types of development areas: residential, commercial, leisure and recreation, agricultural (including horticultural and equine) developments and minerals and waste schemes.

All types will have to consider PROW at the earliest opportunity. The production of an accepted rights of way scheme from the start will ensure that the planning process runs smoothly and public access is properly designed into the development proposals.

In general terms the advice in this document will apply across the board for development proposals. However, outlined below are a few key issues that may be more relevant for the different types of development.

### Policy

PROW and access to the countryside are important elements of our green, transport and community infrastructures. This Council will ensure that they are protected, enhanced and promoted. A commitment supported by national and local policy.

CBC's Development Strategy includes specific policies to protect, enhance and promote the enjoyment of the public rights of way and countryside access.

The PROW network offers people access to Central Bedfordshire's countryside and heritage that has a positive effect on the quality of life and health. It also forms a practical part of our transport network, providing valuable access on foot and often by cycle, to the wider countryside, shops and other local amenities.

There will be a need for improvements to the rights of way network linked to development proposals in terms of accessibility, surfacing and connectivity. Where the scale and location of development will require connections and/or lead to increased use the Council will secure appropriate contributions. Particular consideration will be given to achieving off-site local pedestrian/cycleway routes which connect development sites with open spaces and leisure/community uses and strategic access routes.



## Development Strategy Policy

### Policy 23: Public Rights of Way

The Council will protect, enhance and promote the enjoyment of the PROW network.

This will be achieved by;

Requiring applicants to record the route of any PROW affected by development, and develop a scheme for their improvement, accommodation or diversion in accordance with the Council's PROW standards.

Requiring contributions, through planning obligations towards the PROW network including the delivery of routes both on site and off site where appropriate.

Planning Applications that contain proposals that would adversely affect the existing PROW network will not be permitted.

## Planning Conditions

Development that affects a public right of way and access to the wider countryside should have a standard PROW condition attached. This will ensure that applicants and developers consider both at the earliest opportunity to allow them to plan and incorporate public rights of way and access into the development. In the event that there are issues, a planning condition can be enforced.

**Condition:** Prior to the commencement of development, a scheme for the provision of public rights of way shall be submitted to and approved in writing by Central Bedfordshire Council to include:

- the design of access and public rights of way routes (to include landscaping, widths and surfacing)
- proposals for diversion of public rights of way (where necessary)
- the temporary closure and alternative route provision (where necessary) of an existing right of way

The public right of way scheme submitted should be in accordance with the approved ROW Standards and Guidance.

**Reasons:** In the interests of the amenity of pedestrians and other non motorised users and to ensure safety of users is not compromised by the traffic associated with the development.

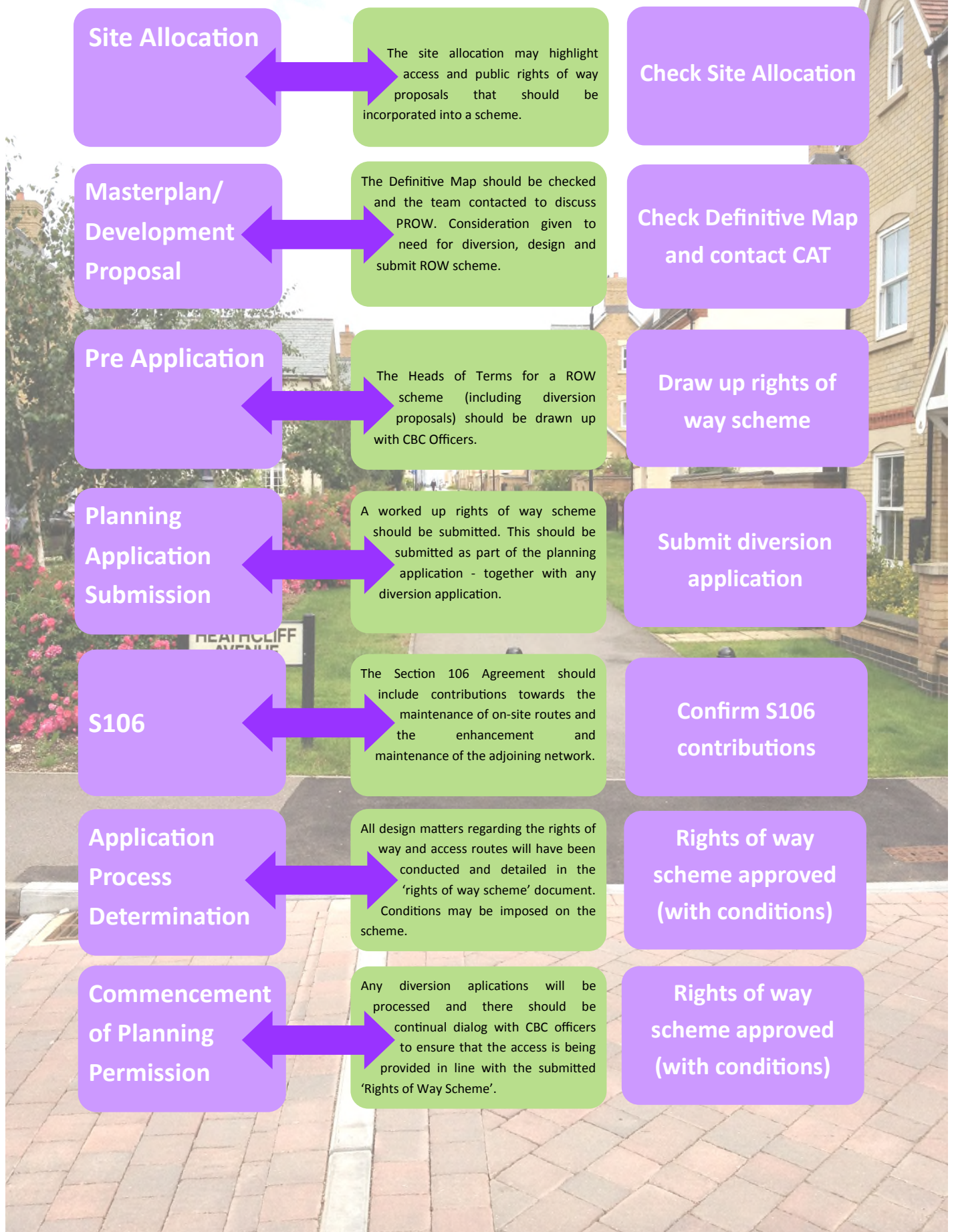
**Notes to applicant:** The applicant is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way unless the necessary statutory legal process (where necessary) has been completed in accordance with:

- i. An order made, confirmed and certified under the provisions of Section 247 of the Town and Country Planning Act 1990
- ii. An order made, confirmed and certified under the provisions of the Highways Act 1980
- iii. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.

## Planning Obligations

The requirement to improve accessibility, surfacing and linkages to existing and proposed rights of way networks will still have to be provided by individual development proposals and this will have to be included, where appropriate, in S106 agreements. Where the scale and location of development will require linkages and/or lead to increased use this Council will secure appropriate planning obligations.

## Development and Rights of Way—A breakdown of the processes





**Types of Contribution** New routes or improvements to existing routes and important off site links (including footpaths, bridleways and cycleways as appropriate) will be sought.

These improvements will include surface upgrades appropriate for the end user use, erection of structures, which are access friendly (such as bridges and gates, rather than stiles), signage, lighting (where appropriate), dog bins and other works necessary to make routes accessible. Contributions will be sought to provide improved links to community infrastructure.

Contributions may include commuted sums to cover establishment, management and maintenance where new routes are required.

**Development and Path Design** A development site which is affected by public rights of way requires careful planning. It is not always practical to keep a public right of way on its original legal line and a diversion under the Town and Country Planning Act 1990 may be required.

Central Bedfordshire Council **does not support** the incorporation of rights of way along estate roads, permanent extinguishments, or unofficial diversions/ encroachments and will oppose any planning proposal which does not give due consideration to the existing rights of way and their links with nearby communities.



**Links to Community Facilities** PROW often provide valuable links between communities/villages and to local facilities such as schools, shops and pubs. New developments may place pressure on these paths but provide an opportunity for localised enhancement by better design or contributions towards off site mitigation or Improvements.

**Design** The relationship between a proposed development and the established landscape as well as the standards within the design guide are key principles that should be considered when looking at how public rights of way and the countryside access network are to be incorporated into a development. Local character and distinctiveness should be factored into the design on new access routes.

Central Bedfordshire Council expect PROW to run in green corridors which connect to other rights of way and to nearby facilities and amenities. The priority is to create an enjoyable, easy accessible, direct network.



### Poorly designed paths.

These examples show routes which are narrow and enclosed, are poorly incorporated into public open space and infringe unduly on private space.

## Well designed paths – Fairfield



Wide paths in a green corridor overlooked by properties and surfaced paths through public open space.

### Submission of a Rights of Way Scheme

Any development that would affect or include PROW should submit a PROW scheme. Ideally the Scheme

should be submitted at outline application stage and discussed in pre-application discussions.

It should detail what is proposed for existing routes, including whether the paths are to be incorporated into the design or diverted, landscape proposals for the paths, and details regarding new routes and connections to the rights of way and access network.

It must include details regarding how any rights of way are to be dealt with during construction.

The submission of a Rights of Way Scheme will allow for early consideration and aid the effective delivery of development proposals.

#### A Rights of Way Scheme should include:

- Detail drawings showing the current legal route of the public right of way.
- An indication of whether a diversion order is required.
- Design drawings showing the proposed new routes through the final development.
- Details on how the routes are to be dealt with during the laying out of the development – i.e. routes for temporary diversions.
- Design, surfacing, management and maintenance details.

### Diversion Schemes

The best route for the right of way may be away from the original line of the path, which means a diversion order would be required. Central Bedfordshire Council will work with developers to divert rights of way as quickly as possible ensuring minimal impact on the development. In order to prevent unnecessary dog-legs in a right of way it may be necessary to extend the diversion beyond the limits of the development and to involve other land owners. For more information on Town and Country Planning Act and Highways Act Orders, costs and associated timescales please see the Application documents,

<http://www.centralbedfordshire.gov.uk/environment/countryside/public-rights-of-way/public-rights-of-way-definitive-map.aspx>

## Countryside Access Team

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### Rights of Way Team Leader

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### The Definitive Map

The Central Bedfordshire public rights of way network can be viewed by using our online mapping system. This is not a copy of the Definitive Map and should be used for reference purposes only, use the link below to access.

<http://www.centralbedfordshire.gov.uk/environment/countryside/public-rights-of-way/>

### Useful email addresses

#### General rights of way

rightsofway@  
centralbedfordshire.gov.uk

#### Common Land & Village Greens

commons@  
centralbedfordshire.gov.uk

#### Countryside Sites

countryside@  
centralbedfordshire.gov.uk

## Applying for a change to the rights of way network

The Council can consider applications to alter the public rights of way network ahead of granting planning consent.

In order to do this, applicants need to ensure that they have produced and had their Rights of Way Scheme accepted by the Central Bedfordshire Council.

Applications based on an approved Rights of Way Scheme and submitted with the planning application will be fast-tracked and determined at the same time as the application for development consent

Where a Rights of way scheme is either not approved or not submitted, any application to alter a right of way will not be processed until after planning consent has been granted. Additionally, the Council may refuse to approve the application and/or oppose the planning proposal if it does not give due consideration to the PROW network.

Once an application to alter the PROW network is approved a legal order has to be made and advertised. A charge will be made for Council administration and the cost of advertising the orders. Such orders are subject to public scrutiny and may receive objections. Central Bedfordshire Council can only confirm an order if it is unopposed. If objections are received and not withdrawn, the order can only be confirmed by the Secretary of State for Environment, Food and Rural Affairs after having considered the objections – a process that can take around 9 months. No development affecting the legal line of a public right of way can take place until an order has been confirmed and, if necessary, certified. A further charge will be made for advertising any confirmed orders and associated certificates.

## Construction Phase

It is imperative that the route of any public rights of way should be delineated through any development site throughout the construction phase. If a path is to be left on its original line – the route (including the width) will have to be accurately surveyed and pegged before any works takes place. Staff from Countryside Access can assist in this process.

Developers may need to apply for temporary diversions and will be expected to provide an alternative route through or around the site (wherever practical). A charge will be made for this process.

Any diverted routes should be provided at the earliest opportunity along an agreed route and should be surfaced to the standard agreed by Central Bedfordshire Council.

## Path Standards

Paths should run through open, landscaped areas away from roads. They should form part of the open space provision and, where possible, should be overlooked and free from sharp bends, in order to prevent areas where crime is easier to commit, (Planning Policy Statement 1: Delivering Sustainable Development).

Any new routes which are created through the development should have a formal status (adopted as public highway of a specified status and recorded on the Definitive Map and Statement if appropriate) as this will avoid future problems with maintenance responsibility. Along with this, areas of open space should be formally designated, thus protecting the site and securing future maintenance.

In general terms, the relevant design and engineering standards should be taken from the standards below (supported by Department of Transport, CBC Design Code, Sustrans, and BT's 'Countryside For All' guidance).





## Urban Paths



An urban path should connect with other nearby communities, facilities and amenities.

It should be direct and easily accessible to all nearby residents. The path should have a sealed surface and be incorporated within a green corridor, with an appropriate width with raised tables, dropped kerbs and appropriate markings/signage at road junctions.

Minimum Width	Landscaping considerations	Other matters
2m surfaced footpath	Tarmac surface	No high fences or planting.
3m surfaced cycle route	Min. 1m green space on either side	Not to be along estate roads or private roads

## Urban edge Paths

These paths should provide users with a gateway into the nearby countryside.

They should be wider than urban paths, in order to encourage use by a variety of legal users. They will typically have a surface dressing to ensure they are useable throughout the year, yet the surface should use materials which will easily blend the paths into their rural surroundings. These paths need to be clearly way marked and signposted; with map boards used at all main exits of the existing rights of way network.



Minimum Width	Landscaping considerations	Other matters
2m surfaced footpath	Bound surface	Located in open space
3m surfaced cycle route	Located in green corridor	

## Rural Paths



Rural paths will have a natural surface that is level and well drained.

These paths need to be waymarked and should be at least 2 metres wide. They need to have good connections with other rights of way.

Minimum Width	Landscaping considerations	Other matters
2m footpath	Min. 1m greenspace either side	No high fences or planting
4m bridleway	Min. 1m greenspace either side	Not along estate roads or private roads

## Minerals and Waste



Paths provided through quarry restoration schemes should be provided to a high standard in order to encourage use by a variety of legal users.

They will typically have a surface dressing to ensure they are useable throughout the year, yet the surface should use materials which will easily blend the paths into their rural surroundings. These materials should be ideally sourced from the quarry itself. These paths need to be clearly waymarked and signposted; with map boards used at all main exits of the existing rights of way network.

Minimum Width	Landscaping considerations	Other matters
2m surfaced footpath	Min. 1m greenspace either side	No high fences or planting
3m surfaced cycle/ bridleway route	Min. 1m greenspace either side	

## Commercial/Industrial Development

Paths through these areas should have a sealed surface and be incorporated within a green corridor or the public realm, with a width of at least 2 metres, with drop kerbs and appropriate markings/signage at road junctions.

It is acknowledged that these sites may have particular security requirements; however, security measures should not be put in place to the detriment of access and rights of way.



Minimum Width	Landscaping considerations	Other matters
2m surfaced footpath	Min. 1m greenspace either side	No high fences or planting
3m surfaced cycle route	Min. 1m greenspace either side	Not to be along estate roads or private roads