

Cumbria County Council

Countryside Access

Public Rights of Way

Guidance for Development

The aim of this guidance is to define standards and give associated advice so that all involved in the planning and development process consider public rights of way [PROW] at an early stage in the planning process and more importantly design into any scheme provision for rights of way in line with Defra guidance and planning policy.

Development on rights of way

The PROW in Cumbria form a sustainable network of public access across the County. They run through all types of development areas; residential, commercial, leisure, agricultural developments along with mineral and waste sites.

To ensure that the network is fit for purpose when developments take place it is important that the PROW network is considered at the earliest opportunity, to ensure the delivery of PROW access does not conflict with site design but complements the process.

In general terms the advice in this document will apply across the board for development proposals. However, it also covers a number of key issues that may be more relevant for the different types of developments involved.

Policy

Paragraph 75 of the National Planning Policy Framework (NPPF)

Planning policies should protect and enhance PROW and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network.

Defra Guidance

Rights of way circular 1/09: Proposals for the development of land affecting PROW give rise to two matters of concern: the need for adequate consideration of the PROW before the decision on the planning application is taken and the need, once planning permission has been granted, for the PROW to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

In considering potential revision to an existing PROW that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Planning conditions

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

- An order made, confirmed and certified under the provision of Section 257 of the Town and Country Planning Act 1990
- An order made, confirmed and certified under the provision of the Highways Act 1980
- A temporary closure order under Section 14 of the Road Traffic Regulation Act 1984 will also be required if any works are undertaken on or near the PROW but please note that the PROW must be reopened along its existing route for a period of time before any permanent order is brought into effect

Where the scale and location of a development will promote increased use this will lead to the Council looking to secure an appropriate planning obligation under an s106 agreement. The agreement will look to identify specific timescales for any provision, specification of routes proposed, any maintenance regimes, financial contributions or improvements proposed to the network.

Community links

PROW often provide valuable links between communities and 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.

Guide to surface types required.

Urban paths: It should have a sealed surface and be incorporated within a green corridor, with an appropriate width [2m wide footpaths] with dropped kerbs and appropriate markings where PROW meet the Highway.

Urban edge paths: They will typically have a surface dressing [2m wide footpaths] to ensure they are usable all year round, yet the surface should use materials that blend the path into their rural surroundings. These paths need to be clearly marked and signposted.

Rural Paths: These paths will have a natural surface that is level and well drained. They will need to be waymarked.

With all these paths it is important that they feel safe and open and are not fenced in by high boundaries and have clear lines of sight.