

Local Development Framework Briefing Papers Public Rights of Way and Access to the Countryside



Devon County Council's advice to Local Planning Authorities.

This is one of a series of briefing papers prepared by Devon County Council to assist the preparation of Local Development Documents.

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Local Planning Authorities are requested to take the following matters into account in preparing their Local Development Frameworks and other documents by:

1. ***Setting out the strategic priorities for the provision of Public Rights of Way network (PROW) in the Core Strategy having regard to opportunities for sustainable travel, economic regeneration, leisure, tourism and cultural development as part of an integrated approach to travel and land use and to the policies and actions in the Devon Public Rights of Way Improvement Plan***
2. ***Identifying the strategic PROW network within towns and urban areas and between settlements and adjacent rural areas including circular routes and multi use routes [both existing and proposed] which provide for safe and convenient means of access to facilities and areas of attraction.***
3. ***Indicating strategically important public rights of way [both existing and proposed] on the Strategy Diagram/Insets and public rights of way on Proposal Maps as appropriate.***
4. ***Ensuring that all development proposals make provision for PROW, and that, wherever possible, such provision is well related to the defined PROW network.***
5. ***Ensuring long distance footpath, cycleway and bridleway networks, are maintained and extended, and proposals that would affect these routes should only be permitted where the integrity of the network can be maintained.***
6. ***Taking advantage of redundant canals and railways in maintaining and developing the footpath, cycleway and bridleway networks, whenever practicable.***

Partnership Working

Devon County Council wishes to work in partnership with District Councils, in further developing the above policy areas with colleagues and other organisations and would wish to be involved in any discussion relating to them.

Note: This paper should be read in conjunction with the Briefing Paper on Cycling and the Briefing Paper on Walking which relate more specifically to those activities.

1. Introduction

Devon is a large, diverse county having distinctive urban, market and coastal towns, remote rural communities and extensive rural areas containing landscapes and coastlines of national importance.

The Devon County Council has long recognised the importance of the public rights of way network¹ to visitors and locals alike. It allows people to enjoy the exceptional countryside as well as enabling them to travel from place to place without having to use the car..

The County Council's main strategic policy framework for the providing and maintaining public rights of way and access to the countryside are set out in **Appendix 1**. The Council, as the Highway Authority is responsible for public rights of way and has a duty to produce a Public Right of Way Improvement Plan by 2007 (CROW Act 2000). The draft Regional Spatial Strategy (published June 2006) has no specific policy to for the provision public rights of way or long distance route although there is some recognition that major new high quality attractions should be readily accessible by public transport, cycle and pedestrian network.

Local Planning Authorities have the opportunity, through the LDF process, to ensure that Public Rights of Way and Access to the Countryside are provided for in Local Development Framework documents (LDFs).

This Briefing Paper seeks to ensure that LDFs

- Set out a Public Rights of Way and Access to the Countryside strategy and priorities for their area having regard to supporting opportunities for sustainable travel, economic regeneration and development for leisure, tourism and cultural development as part of an integrated approach to travel and land use and to encourage their use
- Identify the network of existing and proposed strategic and local routes and the opportunities for route improvement and connections.
- To ensure that new developments have regard to and / or make provision for the public rights of way network improvements and connections.
- Promote and encourage the use of the public rights of way network for the benefit of the community.

Note: This paper should be read in conjunction with the Briefing Paper on Cycling and the Briefing Paper on Walking which relate more specifically to those activities.

2. Vision

The Vision of the Devon Local Access Forum, as a statutory advisor to the highway authority, having regard to the County Council's main strategic policy framework set out in Appendix 1, states that:

The Devon Rights of Way Improvement Plan (RoWIP) should build on the historic network of rights of way in the County by responding to the needs of local residents, visitors and land managers. It needs to provide for a sustainable programme of development and maintenance which, subject to availability of the necessary funding at the relevant time, will:

- ***be informed by an open system for establishing priorities;***
- ***respect good land management and protect the natural and historic environment; and***
- ***take account of the needs and demands of recreational, leisure and travel users including those with diverse needs and abilities.***

¹ For the purposes of this paper, public rights of way include footpaths, cycle tracks, bridleways, restricted byways and byways open to all traffic

3. Key issues to be addressed

The preparation and implementation of 'Public Rights of Way' strategy is a critical element in the broader vision for a transportation strategy. Positive encouragement of sustainable modes of travelling, such walking, cycling, and bridleways should be afforded a high priority and important element of the development framework. Issues that need to be addressed therefore include:

- a) supporting opportunities for sustainable travel, economic regeneration and development for leisure, tourism and cultural development as part of an integrated approach to travel and land use and to encourage their use, through public rights of way provision and facilities
- b) integration with transport systems and development of other access opportunities such as permissive paths, Environmental Stewardship Schemes, Access Land and strategic long distance routes for all users;
- c) the definition, maintenance and extension of long distance recreation footpaths, bridleways and cycle routes, strategic within towns and urban areas and between settlements and adjacent rural areas, circular and other routes through policy and illustration on a Strategy Diagram and Proposal Maps.
- d) Ensuring that any development proposals that would effect these routes should only be permitted where the integrity of the network be maintained
- e) In maintaining and developing footpaths, cycleways and bridleways advantage should be taken, where ever practical of redundant canals and railways.
- f) strategic routes within towns and urban areas which provide a safe and convenient means of pedestrian and cycle access to facilities
- g) Improving pedestrian and cycle links between settlements and adjacent rural areas
- h) Ensuring that all development proposals have regard to and / or make provision for onsite and off site public rights of way as appropriate, and that, wherever possible, such provision is well related to the defined network of public rights of way and other means of access..
- i) Planning obligation, through Section 106 agreements, provides an opportunity to improve access on or adjacent to development sites.
- j) better provision of information on rights of way and access and greater understanding of rights and responsibilities;
- k) opportunities which may become available under the revised Common Agricultural Policy for increasing access and appreciation of the countryside.

4. Content of Local Development Documents

Local Planning Authorities are requested to take the following matters into account in preparing their Local Development Frameworks and other documents by:

- a) Setting out the strategic priorities for the provision of Public Rights of Way network (PROW) in the Core Strategy having regard to opportunities for sustainable travel, economic regeneration, leisure, tourism and cultural development as part of an integrated approach to travel and land use and to the policies and actions in the Devon Public Rights of Way Improvement Plan (see para's 3a and 3b)
- b) Identify strategic PROW network within towns and urban areas and between settlements and adjacent rural areas including circular routes [both existing and proposed] which provides for safe and convenient means of access to facilities and areas of attraction.
- c) Indicate strategically important public rights of way [both existing and proposed] on the Strategy Diagram/linsets and other public rights of way as appropriate Proposal Maps.
- d) Ensuring that all development proposals make provision for PROW, and that, wherever possible, such provision is well related to the defined PROW network

- e) long distance footpath, cycleway and bridleway networks, should be maintained and extended, and proposals that would affect these routes should only be permitted where the integrity of the network can be maintained.
- f) In maintaining and developing the footpath, cycleway and bridleway networks, advantage should be taken, wherever practicable, of redundant canals and railways
- g) increases in the opportunities for circular routes and promote multi-use where appropriate;
- h) clear identification of the different routes and types of rights of way and other routes, such as Unclassified County Roads, from maps and on the ground;
- i) Note: This paper should be read in conjunction with the Briefing Paper on Cycling and the Briefing Paper on Walking which relate more specifically to those activities.

Strategic Policy Framework for the providing and maintaining Public Rights of Way and Access to the Countryside

The draft **Regional Spatial Strategy** (published June 2006) has no specific policy to for the provision public rights of way or long distance routes although there is some recognition that major new high quality attractions should be readily accessible by public transport, cycle and pedestrian network.

The **Devon Structure Plan 2001-2016** sets out the strategic planning framework for the development and use of land within Devon through:

Policy TR5 about a hierarchy of modes for transport - identifies the hierarchy of the most sustainable and environmentally acceptable modes of travel in terms of walking, followed by cycling, public transport and then private vehicles.

Policy TR7 about walking and cycling - requires:

- Identifying a network of strategic routes within towns and urban areas which provides a safe and convenient means of pedestrian and cycle access to facilities;
- Improving pedestrian and cycle links between settlements and adjacent rural areas; and
- Ensuring that all development proposals make provision for pedestrians and cyclists, and that, wherever possible, such provision is well related to the defined network of pedestrian and cycle routes referred to in (1) above.

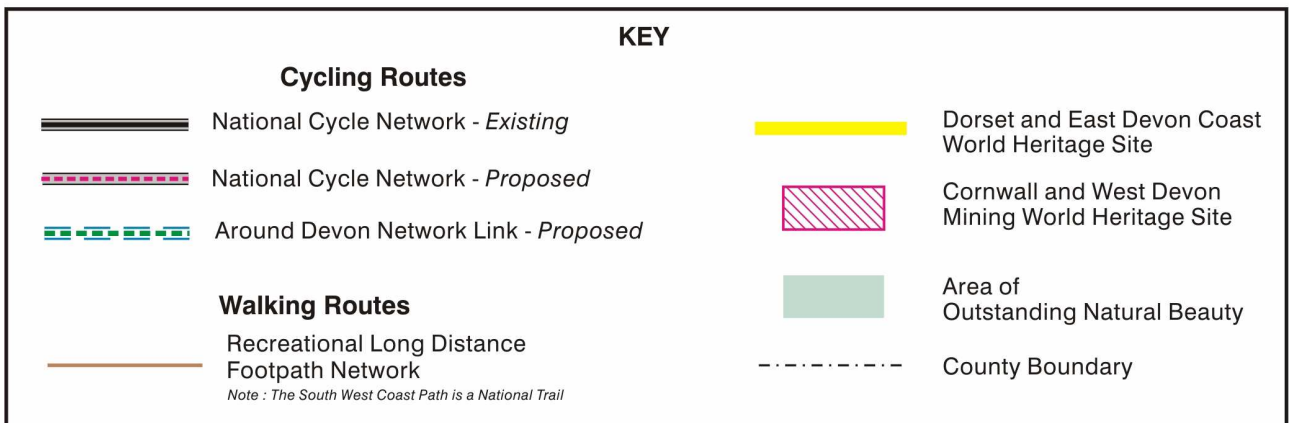
Policy TO6 about Long Distance Recreational footpaths, cycleway and bridleway routes - proposes the maintenance and extension of the long distance footpath, cycleway and bridleway networks, stating that the networks should be maintained and extended, and proposals that would affect these routes should only be permitted where the integrity of the network can be maintained. In maintaining and developing the footpath, cycleway and bridleway networks, advantage should be taken, wherever practicable, of redundant canals and railways. The strategic route network for long distance cycle and walking routes (as at October 2005) are illustrated in the Map 15 of the Devon Structure Plan (see next page).

The **Devon Rights of Way Improvement Plan (ROWIP)** forms a strand of the Devon Local Transport Plan 2006 to 2011 (introduced by the CROW Act 2000 as a new duty for the highway authority to produce by 2007) provides policies to manage and improve this unique resource and to integrate this network with the delivery of wider social, economic and environmental goals, for example, transport, health, tourism, local economy, social inclusion and education. The main objective of the ROWIP is to improve public right of way and access for all. The ROWIP ties in directly with the delivery of the Structure Plan policies.

The County Council works in partnership with Dartmoor and Exmoor National Park Authorities, district and borough councils, and other agencies in the delivery of its objectives.

The Rights of Way Improvement Plan can be found in full at this link:

<http://www.devon.gov.uk/rowip/> **Devon County Council entered into a Public Service Agreement (PSA)** with central government in 2002 to improve access to the countryside by undertaking that 90 percent of the network was easy to use by April 2005. This has been successfully delivered and, as a result, procedures are now in place to ensure that this standard is maintained and improved upon. This demonstrates a clear commitment to fulfilling the relevant statutory duties. A second PSA has been developed which seeks to increase physical activity and improve economic well-being through improved access to the countryside and improve satisfaction with information provision..



(Extract from Devon Rights of Way Improvement Plan (July 2005))

Specific Development Control Issues

The following development control issues should be taken into account in determining planning applications:

a) Consideration of planning applications

Rights of way can be affected by planning applications and development. Planning applications are generally dealt with by the relevant District or Borough Council in their role as the Local Planning Authority (LPA). LPAs have a specific remit with regard to existing public rights of way and powers with respect to the creation of new ones.

The impact of a proposal on a public right of way is a **material consideration** when a planning application is being decided. The granting of planning permission does not legally alter any existing rights of way crossing the land. The LPA should determine whether:

- the proposal would require a public right of way to be extinguished or diverted;
- the necessary diversion is an acceptable alternative to the existing route, bearing in mind the convenience of people using it;
- the proposal would affect the setting or amenity of a public right of way. If a path needs to be moved or extinguished for development to take place, a legal order must be made by the appropriate Planning Authority under section 257 of the Town and Country Planning Act 1990, at the same time that the planning application is determined.

b) Permitted development rights

Agricultural buildings are sometimes erected under permitted development rights. That is, the landowner does not have to apply for permission to erect the building. However, the landowner must ascertain from the LPA whether prior approval is required, with regard to position and appearance. Permitted development rights do not allow a right of way to be blocked or diverted, as is the case with planning applications. It is the responsibility of the landowner to ensure that the necessary procedures have been followed.

c) Rights of way affected by buildings

Over 300 of Devon's rights of way are affected by buildings, although generally users have found an alternative route. These existing obstructions and unofficial diversions will need to be addressed over time either by formally diverting the routes or seeking the removal of the obstructions.

d) Opportunity for using planning obligations

Planning obligation, through Section 106 agreements, provides an opportunity to improve access on or adjacent to development sites.