

Hartlepool Borough Council

Standards and Guidance for Public Rights of Way

Supplementary Planning Document

Adopted Version



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1 Introduction

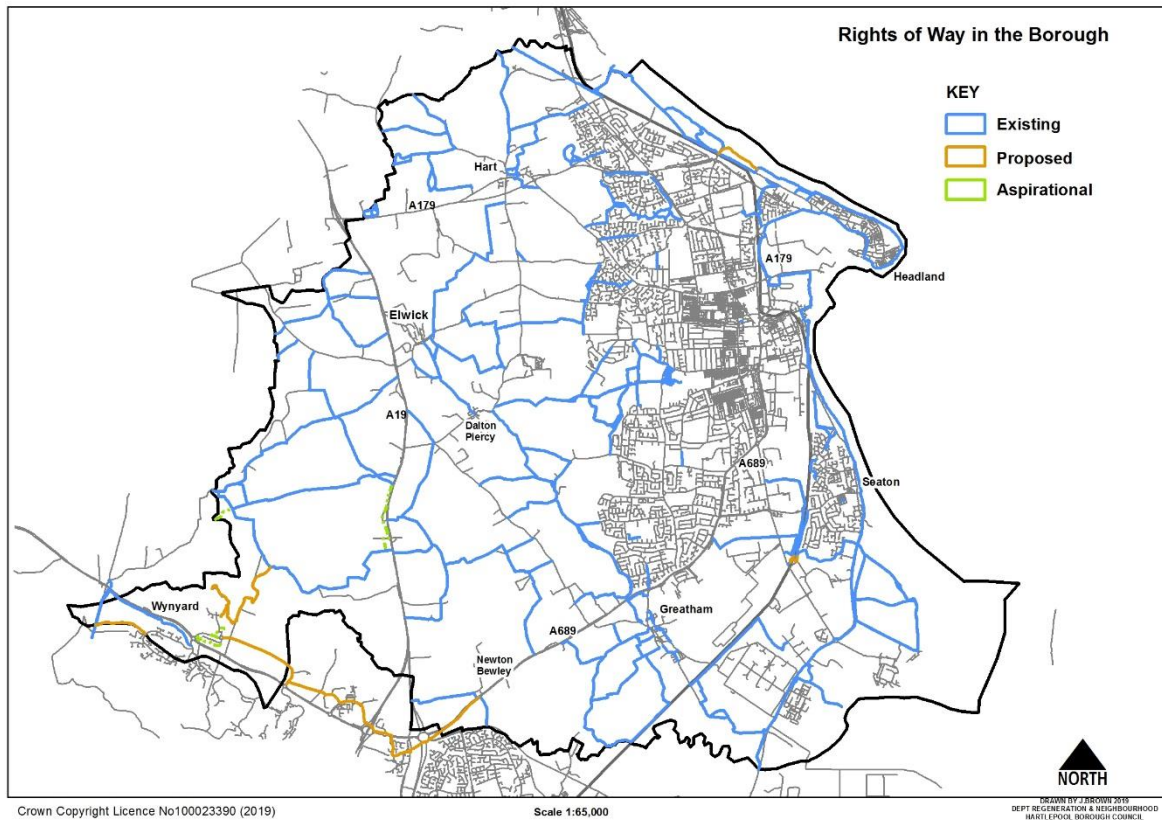
What is a Public Right of Way (PRoW)?

- 1.1 A public right of way is a way that anyone can legally use 'as of right'. There are a number of differing statuses that allow different levels of use. Footpaths are for pedestrian use only, bridleways allow pedestrians, cyclists and horse riders to access the path and byways add vehicular access to the pedestrians, cyclists and equestrian users. Legally, PRoW forms part of the highway network and is subject to the same protection in law as all other highways.
- 1.2 The aim of this guidance is for Hartlepool Borough Council (the council) to define standards and give relevant advice so that all involved in the planning and development process consider PRoW at an early stage; designing it into a development proposal to deliver the most sustainable and viable scheme.

The Importance of Protecting PRoW

- 1.3 PRoW can positively contribute to open space provision and the access network, for a development site.
- 1.4 PRoW run through all types of development areas: residential, commercial, leisure and recreation, agricultural (including horticultural and equine) developments and minerals and waste schemes.
- 1.5 All types of development will have to consider PRoW at the earliest opportunity. The production of an accepted rights of way scheme early on will ensure that the planning process runs smoothly and public access is properly designed into the development proposals.
- 1.6 PRoW and access to the countryside are important elements of Green Infrastructure. The council will ensure that PRoW are protected, enhanced and promoted. Through doing so, it is hoped that it will encourage a healthier lifestyle through making walking routes more accessible.
- 1.7 The PRoW network offers people access to countryside and heritage and this can have a positive effect on quality of life and health. It forms a practical part of our transport network, providing valuable access on foot, bicycle and other modes of transport to the wider countryside, employment, schools, shops and other local amenities.
- 1.8 There may be a need for improvements to the PRoW network linked to development proposals in terms of accessibility, surfacing and connectivity. Where the scale and location of development requires connections and/or leads to increased use, the council will secure these works through appropriate developer contributions and/or planning conditions. Particular consideration will be given to achieving offsite local pedestrian/cycleway routes which connect development sites with employment, services, open spaces, leisure/community uses and strategic access routes.
- 1.9 The grant of Planning Permission in itself does not legally authorise this diversion, extinguishment or other legal change to a PRoW. Anyone undertaking a development that affects a PRoW should be aware that there are legal obligations and procedures,

which lie outside of any grant of planning permission that need to be addressed. Although not all development will impact on PRoW, it is the responsibility of the developer to find out if their development will have an impact or not and the legal obligations of this. This can be done by getting in touch with the Countryside Access Team at **01429 523524** or at rightsofway@hartlepool.gov.uk



Map 1: Rights of Way in the Borough

2. National and Local Planning Guidance

National Planning Policy Framework

- 2.1 Paragraph 98 of the NPPF states that planning policies should protect and enhance PRoW and access and that local authorities should seek opportunities to provide better facilities for users.

Rights of Way Circular (1/09) (2011)

- 2.2 Section 7 of the circular sets out the importance of PRoW when granting planning permission. Section 7.1 states that proposals for the development of land affecting PRoW give rise to the adequate consideration of the rights of way before the decision on the application is taken and the need for the right of way to be kept open and unobstructed once permission has been granted. Section 7.2 highlights that the effect of development on a PRoW is a material consideration in the determination of planning applications.

Hartlepool Local Plan (2018)

- 2.3 Hartlepool Council's Local Plan includes specific policies to protect, enhance and promote the enjoyment of PRoW and countryside access. These policies can be read in Appendix 1.



3. The Role of the Council

3.1 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 legislative PRoW standards. For more information on this, please contact the Countryside Access Officer using the contact details in section 1.9.
- Requiring contributions, through planning obligations, towards the PRoW network including the delivery of routes both on site and off site as appropriate.
- Not permitting planning applications that contain proposals that would adversely affect the existing PRoW network.

Planning Conditions and Planning Obligations

3.2 Development that affects PRoW and access to the wider countryside should clearly identify existing PRoW and proposed changes to the PRoW, and other access links, on the proposed layout plan(s) and supporting information. This will ensure that applicants and developers both consider, at the earliest opportunity, how to plan and incorporate PRoW and access into the development. Where appropriate planning conditions or obligations may be imposed requiring the appropriate changes to any PRoW or access affected or required by a development. For example detailing

3.3 Prior to the commencement of a development, a scheme for the provision of PRoW shall be submitted to and approved in writing by the council to include:

- The design of access and PRoW routes (to include landscaping, widths, surfacing and, where necessary, appropriate countryside furniture)
- Proposals for diversion of PRoW (where necessary)
- The temporary closure and alternative route provision (where necessary) of an existing right of way

3.4 Any scheme submitted should be in accordance with the approved PRoW Standards and Guidance. This is in the interests of the amenity of pedestrians and other non-motorised users and to ensure the safety of users is not compromised by the traffic associated with the development. Developers considering or undertaking works that might affect a PRoW are 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 statutory legal process (where necessary) has been completed in accordance with:

1. An order made, confirmed and certifies under the provisions of Section 257 of the Town and Country Planning Act 1990 (The 1990 Act), or
2. An order made, confirmed and certified under the provisions of sections 25, 26, 116, 118 or 119 of the Highways Act 1980 (The 1980 Act), or
3. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.

- 3.5 There may be a requirement to consider an application to temporarily close and/or divert an existing PRow as part of the formal diversion process within the development. This allows a developer to legally either temporarily close, or close and divert the PRow so that the Health and Safety of the public is not compromised and also so that the developer can continue to construct the housing/development without the issues of the public entering a construction site. These Traffic Regulation Orders last, initially, for six months but can be extended for longer periods of time, dependant on the development of the site. It must be noted that this is outside of the control of the planning system and is subject to separate legislation.
- 3.6 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 linkage and/or lead to increased use this Council will secure appropriate planning obligations.

Types of Contribution

- 3.7 New routes or improvements to existing routes and important off-site links (including footpaths, cycleways and bridleways as appropriate) will be sought. These improvements will include surface upgrades appropriate for the use of the end user, erection of structures and countryside furniture, which are access friendly (such as bridges and gates rather than stiles), signage, lighting, dog bins and other works, where appropriate and necessary, to make routes accessible. Contributions will be sought to provide improved links to community infrastructure.
- 3.8 Contributions may include commuted sums to cover establishment, management and maintenance where new routes are required.

Steps of the Process

- 3.9 Table 1 below highlights the process of a planning application, from the initial site allocation to the commencement of planning permission, and it highlights the duties of the council's Countryside Access Officer, alongside the considerations that the applicant/developer must factor in themselves. It is strongly encouraged that applicants factor in PRow at the earliest stage in the process to mitigate against unnecessary delays.

Table 1 - PRow throughout the development/application process

Stage of the Development/Application Process	Considerations for the Applicant/Developer	Duty of the council's Countryside Access Officer
Site Allocation	The site allocation may highlight access and PRow proposals that should be incorporated into a scheme.	Check site allocation
Master plan/development Proposal	The Definitive Map should be checked and the team contacted to discuss PRow. Consideration given to need for diversion, design and submit RoW scheme.	Check Definitive Map and contact Countryside Access Officer (CAO).
Pre Application	The Heads of Terms for a RoW scheme (including diversion proposals) should be drawn up with Countryside Access Team.	Consider submitted Rights of Way Scheme
Planning Application Submission	A worked up RoW scheme should be submitted. This should be submitted as part of the planning application – together with any diversion application.	Process diversion application
S106	The Section 106 agreement should include contributions towards the maintenance of on-site routes and the enhancement and maintenance of the adjoining network.	Confirm S106 contributions.
Application Process Determination	All design matters regarding the Rights of Way and access routes will have been conducted and detailed in the 'Rights of Way Scheme' document. Conditions may be imposed on the scheme.	Rights of Way scheme approved (with conditions)
Commencement of Planning Permission	Any diversion applications will be processed and there should be continual dialogue with the CAO to ensure that the access is being provided in line with the submitted 'Rights of Way Scheme'.	Rights of way Scheme approved (with conditions)

4. The Role of Developers

Submission of a Rights of Way Scheme

- 4.1 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.
- 4.2 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.
- 4.3 It must include details regarding how any rights of way are to be dealt with during construction.
- 4.4 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 PRow
- 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 layout of the development – i.e. routes for temporary diversions
- Design, surfacing, management and maintenance details

Diversion Schemes

- 4.5 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. The 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 splits from a right of way it may be necessary to extend the diversion beyond the limits of the development and to involve other landowners. For more information on the 1990 Act and 1980 Act Orders, costs and associated timescales please contact the Countryside Access Team on 01429 523524 or email them at rightsofway@hartlepool.gov.uk

Applying for a change to the Rights of Way

- 4.6 The council can consider applications to alter the PRow 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 approved by the council.

- 4.7 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.
- 4.8 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.
- 4.9 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. The 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 nine 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

- 4.10 It is imperative that the route of any PRoW should be delineated through any development site throughout its 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. The Countryside Access Team can assist in this process.
- 4.11 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.
- 4.12 Any diverted routes should be provided at the earliest opportunity along an agreed route and should be surfaced to the standard agreed by the council.

5. The Importance of Design

Development and Path Design

- 5.1 A development site which is affected by PRoW requires careful planning. It is not always practical to keep a PRoW on its original legal line and a diversion under the 1990 Act may be required.
- 5.2 Ideally, the Council would not encourage the incorporation of PRoW directly alongside estate roads, permanent extinguishments, or unofficial diversions/encroachments. However, proposals on landscaped areas which follow the route of the road might be deemed acceptable if there is sufficient separation between the route and the road. Proposals should give due consideration to the existing rights of way and their links with nearby communities.

Links to Community Facilities

- 5.3 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

- 5.4 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 PRoW 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.
- 5.5 The council looks for 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.
- 5.6 Sport England's Active Design guidance is a recommended resource for developers to use. This guidance recognises the importance of the PRoW network and provides information regarding how their full worth to the public can be unlocked.

Poorly designed paths

- 5.7 The following picture examples show routes which are narrow and enclosed, badly designed, are poorly incorporated into public open space and infringe unduly on private space.



- 5.8 Poorly designed paths can be unattractive, alter people’s perception of route safety, and have a potential to deter public usage. Poor design may also lead to criminal activity and anti-social behaviour.

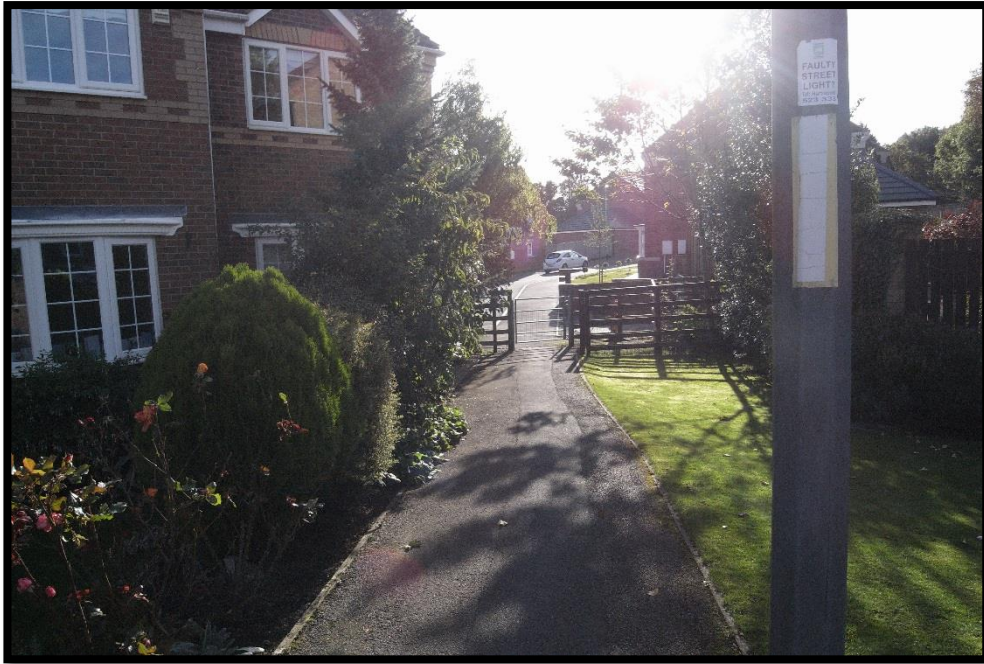
Well Designed Paths

- 5.9 The following images show examples of well-designed paths. These paths are attractive, open and overlooked, and this is likely to be safer and less likely to give rise to crime and anti-social behaviour.



Path Standards

- 5.10 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.
- 5.11 In general terms, the relevant design and engineering standards should be taken from the standards below. *(Supported by Department for Transport, CBC Design Code, Sustrans, and The Fieldfare Trust’s Accessibility Standards and guidance).*



Accessibility

5.12 All paths should adhere to the Access 4 All Principle in order to ensure they are accessible to all users. Any countryside furniture to be installed should be mobility friendly. The following countryside furniture is recommended:

- Self-closing pedestrian and equestrian gates; these gates range from 1.0 metres to 1.2 metres in width (actual opening width). They are robust galvanised steel construction with a 15 to 20 year life.
- Kissing gates; these gates incorporate a system that allows pushchairs and wheelchairs through but also prevent egress for agricultural stock. They have been used in fields of sheep and cattle and are effective.
- Motorbike Inhibitors (A Frames); these structures allow pushchairs and wheelchairs as well as some makes of mobility scooters through. Cyclists can also use these effectively.

5.13 Purchasing furniture that complies with British Standard BS5709:2018 for Gaps, Gates and Stiles will ensure that mobility friendly furniture is installed where possible.

Urban Paths

5.14 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. If necessary, the path should utilise barriers, bollards, soft furniture etc. to prevent vehicular access.



Table 2 – Urban Path Requirements

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

5.15 These paths should provide users with a gateway into the nearby countryside. 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 waymarked and signposted; with map boards used at all main exits of the existing rights of way network.



Table 3 – Urban Edge Path Requirements

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

5.16 Rural paths will have a natural surface that is level and well drained. These paths need to be waymarked and should be at least 2m wide. They need to have good connections with other rights of way and not be enclosed by high fences or shrubs.

Table 4 – Rural Path Requirements

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

5.17 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 should 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. Materials should be ideally sourced from the quarry itself. Paths need to be clearly waymarked and signposted; with map boards used at all main exits of the existing rights of way network.



Table 5 – Quarry Restoration Path Requirements

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

- 5.18 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.
- 5.19 It is acknowledged that these sites may have particular security arrangements; however, security measures should not be put in place to the detriment of access and rights of way.



Table 6 – Commercial/Industrial Path Requirements

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

Appendix 1 – Relevant Local Plan Policies

INF1: Sustainable Transport Network

In Hartlepool, a key priority of a sustainable transport network is to provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the borough linking residential areas with employment sites, shopping and community facilities, and leisure/recreation sites.

INF2: Improving Connectivity in Hartlepool

The council will aim to maximise the level of sustainable access to areas of development, which includes ensuring safe, attractive and well-lit pedestrian and cycle routes.

QP1: Planning Obligations

Planning obligations will be sought where viable and deemed to be required to address the impacts arising from a development. Green infrastructure (including PRoW) is an area towards which obligations may be sought.

HSG4: The South West Extension Strategic Housing Site

Within the South West Extension appropriate vehicular, pedestrian and cycle linkages to the adjoining urban and rural area must be provided with each phase of the development.

HSG5: High Tunstall Strategic Housing Site

Within the High Tunstall site appropriate vehicular, pedestrian and cycle linkages to the adjoining urban and rural area must be provided with each phase of the development.

HSG5a: Quarry Farm Strategic Housing Site

Within the Quarry Farm site appropriate vehicular, pedestrian and cycle linkages to the adjoining urban and rural area must be provided as part of the development.

HSG6: Wynyard Housing Development

Within the Wynyard Developments appropriate pedestrian and cycle linkages to the adjoining areas at Wynyard and linking to Hartlepool along the A689 must be provided by the development.

HSG7: Elwick Village Housing Development

Within the site at Elwick, appropriate pedestrian and cycle linkages to the adjoining areas of countryside and linking to Hartlepool along Elwick Road will be required as part of the residential development.

HSG8: Hart Village Housing Development

At the Hart Village sites, appropriate pedestrian and cycle linkages to the adjoining areas of countryside and linking to Hartlepool along the footpath adjacent to the A179 will be required.

RUR1: Development in Rural Areas

Developments in the rural area has the responsibility to, where possible, create and improve sustainable connectivity.

RUR4: Equestrian Development

Equestrian development will be supported as an appropriate use in the rural area where they are located close to existing bridleways or other routes suitable for trekking or hacking out where this forms part of the business; where this is not the case, provision of safe equine routes should be provided.

RC2: Town Centre

Where appropriate, all developments should provide improvements to connectivity from the Town Centre to Edge of Town Centre areas and the Retail and Leisure Parks including improved pedestrian and cycle provision.

RC5: The Brewery and Stranton Edge of Town Centre Area

Development should facilitate, where appropriate, improvements to connectivity to the Burn Valley Green Wedge through environmental improvement works and improved pedestrian and cycle provision.

RC6: East of Stranton Edge of Town Centre Area

All development should facilitate, where appropriate, improvements to connectivity to the Town Centre by improving crossing points and cycling facilities.

RC7: Lynn Street Edge of Town Centre Area

All development should facilitate, where appropriate, improvements to connectivity to the Town Centre and Retail and Leisure Parks to the north of the railway through improved pedestrian and cycle provision.

RC8: Mill House Edge of Town Centre Area

All development should facilitate, where appropriate, improvements to connectivity to the Town Centre through environmental enhancement works and improved pedestrian and cycle provision.

RC12: The Marina Retail and Leisure Park

Development should facilitate, where appropriate, improvements to connectivity to the Town Centre and the Retail and Leisure Parks through improved pedestrian and cycle links.

RC13: West of Marina Way Retail and Leisure Park

All development should facilitate, where appropriate, improvements to connectivity to the Town Centre and the adjacent Retail and Leisure Parks through improved pedestrian and cycle links and cycling facilities.

RC14: Trincomalee Wharf Retail and Leisure Park

All development should facilitate, where appropriate, improvements to connectivity to the Town Centre and the Retail and Leisure Parks through improved pedestrian and cycle links.

RC15: Tees Bay Retail and Leisure Park

All development should facilitate, where appropriate, improvements to connectivity to the surrounding area, especially to the Town Centre and Seaton Carew train station through improved public transport provision and facilities and pedestrian and cycleway provision and facilities.

RC16: The Local Centres

All development in the local centres should facilitate, where appropriate, improvements to connectivity to the surrounding area through improved pedestrian and cycle provision.

LT1: Leisure and Tourism

Summerhill will continue to be developed as a focus for access to the countryside, nature conservation and informal recreational and leisure activities such as walking, cycling and climbing.

LT2: Tourism Development – Marina

Developments should link to each other and to leisure and tourism attractions across the borough by incorporating and encouraging sustainable transport links through the provision and enhancement of pedestrian and cycle routes.

NE2: Green Infrastructure

The council will investigate the potential for improving access to open spaces and the countryside and will seek opportunities to expand and improve the Rights of Way network, making it accessible to sections and groups in the community in accordance with policy QP3.