

**Standards and Guidance for Public Rights of Way
Supplementary Planning Document
Consultation Statement
May 2020**

1. Introduction

- 1.1 The Standards and Guidance for Public Rights of Way Supplementary Planning Document (SPD) has been prepared by Hartlepool Borough Council. The Draft SPD was published for public consultation over a ten week period from 7 February 2020 until 17 April 2020. The consultation period was extended to provide further time to comment in light of the Covid-19 pandemic.
- 1.2 This Consultation Statement addresses the requirements of Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 that requires Local Planning Authorities to prepare a statement setting out:
- the persons the Local Planning Authority consulted when preparing the supplementary planning document;
 - a summary of the main issues raised by those persons; and
 - how those issues have been addressed in the supplementary planning document.
- 1.3 Section 2 of this Statement outlines the consultation processes and provides details of those people and organisations that were consulted.
- 1.4 Section 3 gives an overview of the representations made within the consultation period. Appendix 1 provides a full schedule of the representations made and the Council's response to each. Where a representation has informed a revision to the SPD, this is set out.
- 1.5 Section 4 gives a brief overview of the next steps in the process of adopting the SPD.

2. Consultation Process

- 2.1 A public consultation on the Draft SPD was approved at the Regeneration Services Committee meeting of 5 February 2020.
- 2.2 The public consultation began on the 7 February 2020 until 17 April 2020.
- 2.3 External and internal consultees were contacted via email or letter. This included housebuilders, residents' associations, Parish Councils and adjacent Local Authorities. The statutory consultees Historic England, the Environment Agency and Natural England were consulted.
- 2.4 Consultees were informed that a copy of the Draft SPD was available to view at the Civic Centre, Victoria Road, Hartlepool, and online on the Council's Planning Policy webpage. Hard copies were available on request.

3. Representations Made and Officer Responses

- 3.1 A total of 5 consultees made representations on the Draft SPD. The consultees that made representations were: HBC Development Control, HBC Countryside Access Officer, Historic England, Sport England and Wynyard Park.
- 3.2 Appendix 1 includes a full schedule of representations, along with an officer response and suggested SPD amendments to reflect the representation is provided at Appendix 1.

4. Next Steps – Adoption

- 4.1 The representations received during the consultation period have, where appropriate, been reflected in the finalised version of the SPD prior to being presented at full Council in X for adoption.
- 4.2 It will be important following the adoption that the SPD is kept up to date and modified to reflect any changes in government regulations and emerging opportunities across the Borough.

Appendix 1: Schedule of Representations and Officer Responses

Respondent	Consultation Feedback	HBC Response/Proposed Action
<p>HBC Development Control (Daniel James)</p>	<p>I would suggest merging the title at 3.2 to 'Planning Conditions and Planning Obligations' (as both are correctly referenced in that section). You could then probably merge the 3.6 para (planning obs) into that main section. As an example, works to create or extend a PRoW (beyond the site boundary) would be through a planning obligation as you correctly note in para 3.6. Where a PRoW runs through an actual site (for example High Tunstall), we would apply a condition such as:</p> <p>“No part of the development of Parcel A shall be occupied until details for the works to Public Right of Way (Public Footpath No 7, Hartlepool) located in parcel A have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of surfacing, countryside furniture and dropped kerbs, and a timetable for the implementation of the agreed works. Thereafter, the scheme shall be carried in accordance with the agreed details and timetable, to the satisfaction of the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.”</p> <p>In that instance, Chris discussed the PRoW matter direct with the applicant through the process (their plans reflected that there was a PRoW) with final details left to condition (as above). We also usually put an informative on directing them to contact Chris Scaife at the earliest stage.</p>	<p>Noted, changes have been made to the title at 3.2 and paragraph 3.6 has been merged into this section.</p>

	<p>It may be worth clarifying a para 3.5 (temp stopping up etc) would be outside of planning control/subject to appropriate legislation?</p> <p>Just in terms of the processes list/table which looks good, as I previously indicated (see attached email), some developers may not have engaged at pre-app and may not be aware of PRow and therefore it would not be reflected in initial submission – usually throughout the application process they will have to amend the plans to incorporate the PRow with final details subject to condition. Again, I appreciate the list is likely to be an ideal scenario (OSS, submitted at validation stage etc) as I think it would be difficult to make it a formal requirement for the provision of PRow details (that run through at site) at validation stage – they may not have that info and we as DC officers don't.</p>	<p>Noted, additional sentence added to paragraph 3.5 to clarify this matter.</p> <p>Noted, no further change required.</p>
<p>Countryside Access Officer (Chris Scaife)</p>	<p>Many thanks for the email and I hope the following information helps to clear up this concern of access and those with mobility issues. It is not just a question of disability but it covers a range of many users: old, young, infirm, mothers or fathers with pushchairs, wheelchair and mobility scooter users and those with short terms as well as long term or permanent disability. This list is not comprehensive but shows the range of people we cater for.</p> <p>I adhere to the Access 4 All Principle and so the countryside furniture I install is mobility friendly and does take into account those with mobility issues.</p> <p>We use the following furniture when replacing old stiles or old wooden pedestrian gates.</p>	<p>Noted, additional information added at paragraph 5.11 and 5.12.</p>

	<ul style="list-style-type: none"> - 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/ <p>Other gates/barriers are used in relation to equestrian use, disallowing the passage of mechanically propelled vehicles. We use these in conjunction with A Frames as a way to prevent illegal vehicular use. The barriers allow the safe passage of horses but are prevention against most determined quads and motorbikes and the A Frame, similarity allows pedestrian/cyclist access, as well as those with mobility issues.</p> <p>Where possible we will do our best to provide the best access for as many users as we can. This is on a normal basis of replacement and repair as well as new, in relation to planning applications and development.</p> <p>We do try to purchase furniture that complies with British Standard BS5709:2018 for Gaps, Gates and Stiles. This means that we will install mobility friendly furniture wherever we can.</p>	
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	<p>Ultimately we do try to have open access where the development can allow but realise that we need to protect regular and legal users against illegal users.</p> <p>The Council as a Highway Authority, has a legal statutory duty to protect all public rights of way and protect all legal users of these rights of way.</p>	
Historic England	<p>We would encourage you to consider the historic environment in the production of your SPD. We recommend that you seek advice from the local authority conservation officer and from the appropriate archaeological staff. They are best placed to provide information on the historic environment, advise on local historic environment issues and priorities, indicate how heritage assets may be affected and identify opportunities for securing wider benefits through the conservation and enhancement of the historic environment.</p>	<p>The relevant Council officers were consulted on this document, no further action required.</p>
Sport England	<p>There are aspects of both SPDs which have synergy with Sport England's work around Active Design / Active Environments / Active Travel. Modern-day life can make us inactive, and about a third of adults in England don't do the recommended amount of weekly exercise, but the design of where we live and work can play a vital role in keeping us active.</p> <p>We know sport isn't for everyone, but embracing a lifestyle change to be more active can have real benefits including:</p> <ul style="list-style-type: none"> . Improving physical health . Increasing mental wellbeing . Building stronger communities. 	<p>Noted. 1.7 does acknowledge a link between the PRoW network and health but this can be expanded upon. Please see addition to paragraph 1.6 which details this further. Paragraph 5.6 signposts developers to the Sport England guidance as a useful resource.</p>

	<p>As part of our drive to create an active environment, Active Design wraps together the planning and considerations that should be made when designing the places and spaces we live in. It's about designing and adapting where we live to encourage activity in our everyday lives, making the active choice the easy choice.</p> <p>Active Design is based around ten principles, and it is considered that the detail of the respective SPDs supports the following principles;</p> <ul style="list-style-type: none">- 'Activity for all' neighbourhoods- Walkable communities- Connected walking and cycling routes- Network of multifunctional open space- High quality streets and spaces <p>Active Design also recognises that for green infrastructure and the public rights of way network to work well and provide their full worth to the public they need to be supported by;</p> <ul style="list-style-type: none">- Appropriate infrastructure- Management, maintenance, monitoring and evaluation- Activity promotion and local champions. <p>We've developed a range of support guidance to help Local Authorities in this area. The full Active Design guidance can be found at the following location on our website; https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/spe003-active-design-published-october-2015-high-quality-for-web-2.pdf?uCz_r6UyApzAZIaiEVaNt69DAaOCmklQ</p>	
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	<p>Subsidiary guidance on designing for physical activity - outdoor spaces, and designing for physical activity – routes and wayfinding, both of which I think will be of use, can be found at the following location on our website; https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/designing-for-physical-activity-outdoor-spaces.pdf?oeqbnn6m9d3vmZ7Xh_fldeqWnCpdmFG https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/designing-for-physical-activity-routes-and-wayfinding.pdf?eX2Y6b3P_xuFhf5ESTG0vgHkeNgdcLWz</p> <p>In summary, we wish to express our support for both SPDs. We do however consider that both have a wider public health importance than their focus suggests, and would suggest that perhaps Active Design might provide that bridge to related Local Authority agendas.</p>	
Wynyard Park	<p>Map 1 (Page 4)</p> <p>The SPD includes a map (Map 1) on page 4 which shows the ‘Existing’, ‘Proposed’ and ‘Aspirational’ Rights of Way in the Borough. We have compared this map with Figure 9 in the adopted Wynyard Masterplan (November 2019) and the Wynyard Park Indicative Masterplan Framework.</p> <p>The Rights of Way (RoW) shown in Map 1 in the SPD which fall within Wynyard Park, and on land within our client’s control, are generally consistent with those shown in the Wynyard Masterplan (Figure 9). The SPD also includes a ‘Proposed’ RoW along the route of the east-west link road through Wynyard Park and an ‘Aspirational’ RoW towards the south west area of Wynyard Park which</p>	Noted, no change required.

	<p>would provide a connection to the 'Existing' RoW south of the A689.</p> <p>As shown on the Wynyard Park Indicative Masterplan Framework (ref. AI09 Rev B), the 'Potential Footpath Network' (identified on the plan by the yellow dashed lines) is extensive. Whilst all routes will not officially be Public Rights of Way, Wynyard Park will deliver a wide range of recreational footpaths, cycleways and connections which will facilitate access to open and green areas.</p> <p>Section 3 (Page 6) This section of the draft SPD sets out 'The Role of the Council' and also the requirements during the various stages – planning application, conditions, statutory process – should a development affect a Public Right of Way (PRoW).</p> <p>In instances where a PRoW would be affected by development, the bullet points in paragraph 3.1 indicate that the Council will require a scheme for their improvement and diversion arrangements at the planning application stage. In Section 4 (The Role of the Developers), paragraph 4.1 also refers to schemes being submitted at the outline application / pre-application stages. This is onerous to provide at this stage in the process and this requirement should be deleted. Section 3 goes on to include an example planning condition (paragraph 3.3) to secure the submission and approval of a scheme. The post-planning application stage is considered to be a more appropriate time to submit this information. As such, we suggest that the section is amended to avoid ambiguity.</p>	<p>Noted, however the Council deem it as an aspirational requirement and there are some instances where developers are able to submit this information at pre-application stage. The wording at 4.1 clearly states that this is an ideal situation and so it is not deemed necessary to make further changes.</p>
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	<p>Section 5 (Pages 11-13)</p> <p>Section 5 of the draft SPD provides detail relating to the Council’s expectations of the design of PRow. Following our review, there are some instances where it would be helpful for the SPD to be amended to provide clarity and avoid ambiguity.</p> <p>For instance, paragraph 5.2 states that, among other points, “The council does not encourage or support the incorporation of rights of way along estate roads”. At paragraphs 5.5 and 5.9, the draft SPD goes on to outline the Council’s preference for PRow to be located in “green corridors” and in “open landscaped areas away from roads”.</p> <p>We suspect that paragraph 5.2 seeks to avoid scenarios where a PRow immediately adjoins a road with a hard surface. However, it is unclear whether the Council would be willing to support a PRow which is routed through an attractive landscaped area which provides separation from the road but generally follows its alignment.</p> <p>To put this into context, on the first page of this letter, we referred to Map 1 on page 4 of the SPD and highlighted a proposed RoW at Wynyard Park and its alignment with the east-west link road through the development. This PRow is likely to be located through an attractive landscaped area (as per the above paragraph) but, to all intents and purposes, its route will follow a road. It should also be noted for context that, whilst this section of the PRow follows the road, it does ultimately connect with routes which allow access to the more rural surroundings. To provide further clarity we suggest that the text in Section 5 is amended to allow for such instances.</p>	<p>Noted, amendments have been made to paragraph 5.2</p>
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