

3.8 Public Rights of Way and Development

There is an extensive network of public rights of way (PROW) across Herefordshire in both the Towns and countryside. There are different types of public Rights of Ways as detailed below:

- **Footpath** - May only be used for walking;
- **Bridleway** - May be used for walking, horse riding and cycling; and
- **Byway open to all traffic** - Walking, horse riding and cycling, plus use of any kind of wheeled vehicle, including motor cars and horse drawn vehicles.

Public Rights of Way are recorded on a 'Definitive Map and Statement', which are kept by Herefordshire Council. The public may view the map and statement together with any changes that have been made. If a Right of Way is shown on the definitive map and/or described in the statement then it is conclusive evidence, in law, that the public has those rights.

When considering a development proposal, the Council is required to take into account the impact on any development on a Public Right of Way. It is important therefore that the existence of any Public Right of Way should be considered in the preparation of the development proposal. Generally, the most suitable arrangement is for the Development to avoid impacting on the Public Right of Way.

If Development is likely to affect the Right of Way, it is possible to apply for either a Temporary Closure order (enabling works to be carried out close to a Right of Way without endangering the Public), or a Public Path order (permanently diverting or extinguishing the Right of Way) Extinguishing a PROW should not be considered as an option unless there are no other alternatives.

Developments that affect a Public Right of Way should not be started and the Right of Way should be kept open and available to the public until the necessary order has come into effect. If the Development is carried out prior to the Order being made it may not be possible to complete the Diversion Order and the Developer may incur serious legal and financial consequences. It should not be assumed that because a Planning Permission has been granted an order would invariably be made or confirmed.

Where the Public Right of Way cannot be avoided the aim should be to maintain the Public Right of

Way on its existing alignment. If this is not safe or practical then an alternative route should be indicated. In the case of housing estate Development this alternative should avoid the use of the estate road(s) and should be through open space or landscaped areas.

The Public Rights of Way Service have their own design guides in terms of furniture, widths of paths, surfacing and improvements. It is important developers contact the rights of way service at an early stage if the development impacts a Right of Way.

Further information may be obtained from:

**Public Rights of Way Section,
Herefordshire Council**
Tel 01432 260572
Fax 01432 261983
e-mail: rightsofway@herefordshire.gov.uk

UDP Reference
Walking